AN

ENQUIRY

INTO, AND

DETECTION

OF THE

Barbarous Murther

Of the late

EARL OF ESSEX:

OR, A

Vindication

OF THAT

NOBLE PERSON,

From the Guilt and Infamy of having Destroyed Himself.

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Upon the Execrable Murther of the Right Honourable ARTHUR Earl of Essex.

MOrtality won'd be too frail to bear,
How ESSEX *fell, and not dissolve with fear;*
Did not more generous Rage take off the blow,
And by his Blood, the steps to Vengeance show.

The Tow'r was for the Tragedy design'd,
And to be slaughter'd, he is first confin'd:
As fetter'd Victims to the Altar go.
But why must Noble ESSEX *perish so?*
Why with such fury drag'd into his Tomb,
Murther'd by Slaves, and sacrific'd to Rome?

By stealth they kill, and with a secret stroke
Silence that Voice, which charm'd when e'er it spoke.
The bleeding Orifice o'erflow'd the Ground,
More like some mighty Deluge, than a Wound.
Through the large space his Blood and Vitals glide,
And his whole Body might have past beside.
The reaking Crimson swell'd into a Flood,
And stream'd a second time in Capel's *Blood.*
He's in his Son again to Death pursu'd,
An Instance of the high'st Ingratitude.
They then Malicious Stratagems Imploy,
With Life, his dearer Honour to destroy;
And make his Fame extinguish with his Breath,
An Act beyond the Cruelties of Death.
Here Murther is in all its shapes *compleat,*
As Lines, *united in their* centre *meet,*
Form'd by the blackest Politicks *of Hell;*
Was Cain *so div'lish when his Brother fell?*
He that contrives, or his own Fate desires,
Wants Courage, and for fear of Death expires;

But Mighty ESSEX was in all things brave,
Neither to Hope, *nor to* Despair, *a Slave.*
He had a Soul too Innocent, *and* Great,
To fear, or to anticipate his Fate:
Yet their exalted Impudence and Guilt,
Charge on himself, the precious blood they spilt.
So were the Proteſtants ſome years ago,
Deſtroyed in Ireland *without a Foe.*
By their own barbarous Hands the Mad-Men dye;
And Maſſacre themſelves, they know not why:
Whilſt the kind Iriſh, *howl to ſee the Gore,*
And Pious Catholicks *their Fate deplore.*
If you refuſe to truſt erroneous Fame,
Royal Mac-Ninny *will confirm the ſame.*

We have loſt more in injur'd Capel's *heir,*
Than the poor bankrupt Age can e'er repair.
Nature indulg'd him ſo, that there we ſaw,
All the choiſe ſtrokes her ſteddy hand cou'd draw:
He the Old Engliſh *Glory did revive,*
In him we had Plantagenets *alive.*
Grandeur, and Fortune, and a vaſt Renown
Fit to ſupport the luſtre of a Crown.
All theſe in him were potently conjoyn'd,
But all was too ignoble *for his Mind:*
Wiſdom *and* Virtue, *properties Divine*
Thoſe, Godlike-ESSEX, were entirely thine.

In his Great Name he's ſtill preſerv'd alive,
And will to all ſucceeding times ſurvive.
With juſt Progreſſion, as the conſtant Sun
Doth move, and through its bright Ecliptick *Run.*
For whilſt his Duſt do es undiſtinguiſh'd lie,
And his bleſt Soul is ſoar'd above the Sky
Fame ſhall below, his parted Breath ſupply.

AMong all the Sins which are said to cry for Vengeance, there is none to which a louder Voice is ascribed in the Ears of God as well as Men, than that of *Murder*. For as it is the destroying a Creature, which carries the stamp and impress of the Divine Image, and therein a defacing the most visible representation, which God hath vouchsaf'd unto, and left of himself in sublunary Beings; so it is a most daring insurrection against the Authority of the Supream Lawgiver, who design'd his inhibition for a sufficient Fence about our Lives. Nor does any Crime more audaciously control the End of Divine Wisdom in making us sociable Creatures, and furnishing us with Faculties and Powers by which we are inabled as well as instructed to help and shelter one another. And therefore in proportion to the heinousness of the guilt of the Sin of *Murder*, are both the denounciations of God in the Word, and his vindictive Dispensations of Providence against it, wrote in more legible Characters, than those wherein we find his displeasure recorded and testified against other Crimes. Profane as well as Sacred Stories are filled with instances of God's inquisition after the shedding Innocent Blood, and of the wrathful severity which he hath shown against Families as well as Persons in whose skirts it hath been found.

And as no Transgression is more provoking to God, so none does so much incense and exasperate Mankind. The destroying one innocent Person, is construed as a threatning of all; nor can we hear of the cutting our Neighbours throat, but we judge our selves alarm'd and bid look to our own. Nor is it only by the instinct, but by the Authority of the Law of Nature, that Murderers have in all Places and Ages, been pursued with an Universal hatred. He abandons his own Life to the Will and Pleasure of the next Assailant, who esteems it not his duty not only to wrest the weapon out of a Murderers hand, but to bring the Malefactor to publick punishment.

And though there is no Person so dignified or priviledged, in whom Assassinations and Murders are not highly detestable, and to be prosecuted with the utmost Impartiality and Zeal; yet they deserve the greatest abhorrency, when perpetrated by those, whose duty it is to defend our Lives instead of invading them. For if it be criminal in a very Enemy to kill the Person whom he reckons himself most injured by, unless empowered thereunto by a judicial Sentence, or a legal Warrant; how infinitely more enormous is it, for those to be Authors of, or instrumental in our ruine, to whom the care of our preservation is committed and entrusted. And by how much any are vested with the administration of the Law, to avenge them-

ſelves and the community upon offenders; by ſo much does their crime and guilt become inhanced, if when they cannot gratifie their indignation in the perſon and quality of Magiſtrates, they eſpouſe the Work and Character, and aſſume the weapons of an Aſſaſſinate. And who knows, but that as the Attorney General had the boldneſs in print to call the Accuſation and Commitment of the *Earl of Eſſex*, * *a Conviction for High Treaſon*, but that others upon that *Conviction* might have the impudence to give order for his Execution. What more hateful ſight can there be to Heaven, or more enraging ſpectacle to Men, than to find thoſe, who by the places they are advanced unto, and the truſt that is repoſed in them, ought to watch for our ſafety, conſpiring our ruine, and what they have not the courage themſelves to execute, tempting and hiring others to commit?

As it will be eaſily allowed, being indelibly ingraven in our Natures, that every Murder is to be regiſtred amongſt crimes of the deepeſt dye; ſo it cannot be denied, but that one may be of a more heinous Nature than another, and receive aggravation from the Worth and Quality of him that is Aſſaſſinated. For as the value of kindneſſes grows in proportion to the meanneſs of the Perſons on whom they are beſtowed; ſo crimes receive an increaſe of guilt, from the Dignity and Uſefulneſs of thoſe againſt whom they are committed. By how much higher the ſtation of any one is in the Commonwealth, and by how much through his Wiſdom, Power, Bounty and influence, he is beneficial to the Nation; by ſo much is the deſtruction of ſuch a Perſon attended with the higher aggravations, and to be reſented as a moſt enormous Crime. Nor are we only to eſteem our ſelves injured, and threatned in and by the example of ſuch a Perſons ruine, but we are to account our ſelves wronged, and ought to demand reparation, anſwerable to the benefits we reaped by him, and which we are rob'd of by the loſs of ſo uſeful and worthy a Perſon. Our Law in making that againſt a *Peer* liable to an *Action* of *Scandal*, which it takes not ſo much as cogniſance of as an offence againſt little and inferiour People; could not be ſo improvident in reference to the Lives of Noblemen, as not to ſet a ſtronger and higher hedge about them, than thoſe of Mechanicks are fenced and defended by.

Nor is it only from the quality of a Perſon againſt whom a crime is committed that it receives an aggravation; but there accrues a new addition of guilt thereunto, from the obligations which the Perſon deſtroyed, may have laid upon thoſe who were inſtrumental in, and acceſſory to his ruine. To ſee one periſh by the hands of thoſe, whom he may have injured

* *Braddons Trial p.* 4.

jured either in their Persons, Reputations, or Interest, is no more than what we may sometimes find instances of among the unruly and degenerate part of Mankind; but to hear that a Person is assassinated by those whom he served with the utmost Zeal and Fidelity, is a villany which none but prodigies of Ingratitude, and monsters of humane Nature, can be guilty of. But there is a certain Duke in the World, whom I shall forbear to name, whose temper is to bestow his Favours upon such as have been his Majesties greatest Enemies, as well as the most profligate and basest among Men; and in the mean time recompense such not only with neglect, but hatred, whose Parents, as well as themselves, had shed their Blood, and ventured their Fortunes in the behalf of the King and the Royal Cause. How true is that of *Tacitus*, lib. 4. Annal. *Beneficia eousque læta sunt, dum videntur exolvi posse, ubi multum antevenere, pro gratiâ odium redditur.* Kindnesses are acceptable while they may be repaid; but when they exceed all possibility of recompence, they meet with hatred instead of acknowledgment. There is no other way to be secure from the Malice of some sort of People, than in the place of obliging them, to keep them at defiance: For whereas they are altogether uncapable of being won and impressed by Courtesies, they are neither to be chained up, or menaced from doing mischief.

And as all I have suggested, makes but too suitable an Introduction into this following Discourse of the Assassination of the Earl of *Essex*; so it is no small reflection upon the Honour of the Nation, and proclaims the execrableness of the Fact, and impudent boldness of the Actors, that they durst perpetrate this horrid Villany, not only in the Royal Prison, where the Government in the account of the Law is responsable and pledge for the safety of the Captive, but in one of his Majesties Palaces, where the King Himself is to be esteemed Security for the preservation and forthcoming of all who come under his roof. The honourable Gentleman being the King's Prisoner, and deprived of all means and advantages of defending himself: these trusted with the administration of the Government, and particularly the King, were to be responsible for him in case he miscarried. Nor can his Majesty's best Friends and those who are most zealous for his Honour, think otherwise of that villanous Fact, than that they who were the Contrivers of it, intended at once to rob the King of one of the best and ablest Ministers he had ever employ'd, and to give a mortal Wound to the Royal Reputation, by perpetrating the bloody Crime in such a place. And whereas the Queen had lain under an imputation of reproach, upon the account of Sir *Edmundbury Godfrey*'s being assassinated in *Somerset*-House, they might hope to involve the King under the like dishonour, by cutting the throat of this Noble Peer in the Tower of *London*.

Nor ought any Man whom the Providence of God hath furnished with means and advantages of detecting so horrid a Murder, be judged either officious, or held for disaffected to the Government, if he reveal what he hath attained to the knowledge of, and publish those Evidences, which as they have satisfied himself, may be sufficient to convince all the unbyas'd part of Mankind, of the truth and reality of this barbarous assassination. And as it is impossible he should be a good Christian, so he ought not to be esteem'd a good Subject to his Majesty, nor a sincere Friend to his Country, who shall more value his own ease and safety, than the delivering the Throne from guilt, or saving the Nation from that vengeance, which the cry of innocent Blood barbarously and treacherously shed, is ready to derive and bring upon it. And it is no small evidence by whose Countenance and Authority this Murder was committed, that such discouragements have been given to the discovery of it, and that an honest Gentleman hath been so severely proceeded against, in defiance of all Laws, as well as without President; for but offering to represent what he had learned in relation to the destruction of that honourable Person. But as we shall have occasion to speak more fully of that afterwards, I shall only add here, That the barbarity expressed to Mr. *Braddon*, is so far from deterring others to pursue this affair, that his ill treatment at the Council Board and King's Bench, was one of the Motives of my undertaking this Province. And as by reason of the retirement I have confined my self unto, and the privacy I have used in following these researches, I labour not under the inconvenience of dreading a Fine or Prison, which does so much frighten others; so I dare boldly affirm, That the terrour of these things (were I to encounter them) would not so affect me, as to make me neglect what I reckon a necessary as well as an important duty. *Patriæ deesse quoad vita suppetat, aliis turpe, mihi etiam nefas*, was the saying of *Camillus* in *Livy*. And tho' I be not so vain and ambitious, as to desire the World should know who I am, yet I judge it absolutely needful, that they should understand who I am not, lest others come into trouble for that which ought not to be charged upon them, and which none but my self can with any Equity or Justice be made accountable for. And seeing Mr. *Braddon* hath been singled forth as the object of some Mens indignation, for the service he was willing to have done his Majesty, in the detection of this Murder; I reckon my self bound to publish to all the World, That I know not the Gentleman, and that to the best of my remembrance, I never saw him, much less ever have conversed, or had any communication with him: I will not deny, but that he is a person whom I do infinitely esteem for his Integrity, Zeal, and Courage in this matter; yet I will not be so far injurious

rious to him, as to commence an acquaintance with him, during the transaction and dependance of this affair, and while he is under the power of those that will be ready to declare him criminal, for the least incourse with a person that is likely to become so obnoxious to the rage of St. *James*'s and *Westminster*-Hall, as I may come to be for this Service to the King and Kingdom.

And besides the common ties, which I lie under equally with the rest of Mankind, for endeavouring to detect so horrid and barbarous a Murder, there are some special Obligations upon me, by which I esteem my self more particularly bound than others are, to do all the right and justice I can to the Memory of this massacred Lord, and to redeem his Name from the infamy with which they have aspersed him, of being *Felo de se*. For I had not only the honour to be known to him, which Mr. *Braddon* pretends not unto, but besides the favouring me with diverse Testimonies of this respect, he did me the kindness to own and befriend me at a juncture, when I was in no small hazard from the Malice of very powerful, as well as considerable Persons. And seeing that honourable Peer has been so unhappy, as to find nothing but Ingratitude, as well as Injustice, from those of highest and sublimest quality, whom he had most effectually serv'd, and infinitely obliged; it is not amiss, that the World should understand there are some remains of Vertue and Gratitude among the mean and little People; and that tho' their Condition does not enable them to recompense Favours conferred upon them by great Persons, yet they have that ingenuity which others want, *viz.* to sense and knowledge them.

And as I reckon it no small honour to have been known to the deceased Peer, so I thereby enjoyed an advantage which others wanted, namely an opportunity of learning the principles, and observing the temper of that excellent person: Whom as I found to be one inbu'd with the most Vertuous and Religious, as well as Heroick and Generous Principles of any Nobleman in the Kingdom; so I observed him to be a Gentleman of the greatest sedateness of Mind, least subject to the undue agitation of unruly Passions; and most under the conduct of a calm, steady, strong, clear, and well poised Reason of any Man of Quality, I ever had the happiness of access unto. And if either the succours of Nature, Education, or Grace, were sufficient to fortifie and preserve a Person from such an Enormity and Crime, then must the Earl of *Essex* above all Men, be acquitted from the guilt of so execrable a fact, as being contrary to the Frame and Constitution of his Nature, as well as to all the intellectual and moral habits of his Mind. So villanous a deed, was inconsistent with his Temper, as well as repugnant to his Vertue.

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As he was an excellent Christian, he durst not allow a thought that might give encouragement to so heinous a sin; and as he was a well-accomplish'd Gentleman, he scorned to render himself guilty of a thing that was so mean and base. Nor was the folly of the Assassinates less, in hoping to obtain Credit to a report, that the Earl of *Essex* cut his own throat, than their wickedness was, in contriving and perpetrating themselves, that bloody Murder upon him.

Yea, as if it had not been enough, to have first cut the throat of this innocent tho' unfortunate Earl, and then to have fastned the guilt and infamy of their own Fact, upon his untainted Vertue and spotless Soul; they have sought to gain credit to their calumnious accusation, and to reconcile unthinking people to their Opinion, by affirming that he used to commend and justifie Self-murder, in case there remained no other way to escape a capital Punishment, and the being made a spectacle to the little and gazing part of Mankind. And to give the better gloss to this malicious fiction, they report that he used to extol the action of his Lady's Grandfather the Duke of *Northumberland*, who being Prisoner in the Tower for Treason, shot himself in the head with a Pistol. But as the Earl of *Essex*, had he entertained so ungodly and corrupt a sentiment, was more prudent and discreet than to publish and avow an Opinion so contrary to the Rules of Religion, the Principles of Honour, and the common sense and perswasion of Mankind; so it is enough to detect the falshood, as well as the malice, that is in this report, that the Authors and Dispersers of it, either dare not declare the persons to whom the Earl should have discovered and revealed his Mind in this matter, or else such as they have named for Vouchers of the truth of this story, have not only denied their having at any time heard him express the least word in favour of Self-murder, but do affirm with all the sacredness imaginable, that he used to speak always of it with the utmost abhorrency, and to brand it as the greatest and most heinous sin. For whereas they have had the Impudence to affirm that this report either proceeded originally from his own Lady, or was at least assented unto, and attested by her, she hath upon application to her Ladyship for the knowledge of the truth or falshood of this story, not only with all the solemnity requisite in a matter of this importance, vindicated my Lord from having ever spoken a word that might induce the lawfulness of Self-murder, or give countenance to a person's being *Felo de se*, but she hath further affirmed, That he used to speak against it with an emotion beyond what was customary to him, and that he hath often declared, that no circumstances whatsoever could extenuate the guilt, or lessen the infamy of so unnatural and wicked

wicked fact. So that this ſtory, which hath been ſo maliciouſly and induſtriouſly ſpread, to gain belief to the report of my Lords having murdered himſelf, may upon this detection of its falſhood, be very juſtly improved for the eſtabliſhing an aſſurance that he was Aſſaſſinated by others. For it is impoſſible to imagine upon what other motive it could be invented, unleſs to palliate the crime of thoſe who had deſtroyed him.

But ſhould it be granted that the late Earl of *Eſſex* uſed to ſpeak with all candor and reſpect of the Duke of *Northumberland*, who ſlew himſelf in the Tower; it was no more than what might be expected from a Gentleman of civility and good breeding, partly out of *decorum* and complacency to his Lady, whoſe Grandfather the ſaid Duke was, and partly out of reſpect to that Noblemans perſonal Merit and Worth, being upon many accounts a truly great Perſon. For is it not enough to condemn a fact, without heaping obloquy and reproach upon him that hath been guilty of it? It is ſufficient to repreſent the evil of a thing *in Theſi*, and to demonſtrate the Sin, as well as Diſhonour in commiting it; but it neither agrees with the Rules of Religion, nor the meaſures of converſation among Perſons of Quality, to be over ſevere *in Hypotheſi*, and to pronounce this or that Man wicked and infamous, though upon the ſcore of that which we have doctrinally, and in way of argumentation, Cenſured and Condemned. Nor was the Earl of *Eſſex*'s caſe, paralel to that of the Duke of *Northumberland*, that the latter ſhould make the former a Prelident. For whereas that Duke was not only accuſed, but condemned for High-Treaſon, when he committed that Fact; the Earl though accuſed and committed, not only knew himſelf innocent of the Crime wherewith he was charged, but was well aſſured that there was no Evidence upon which they could proceed to Try, and much leſs to Condemn him. For of all the Witneſſes who had undertaken the drudgery of ſwearing Men out of their Lives, there was only my Lord *Howard* that could pretend to ſo much as acquaintance with him, whoſe Teſtimony being but that of one Man, and of a very infamous one too, it could not have found an indictment of Treaſon, much leſs be eſteemed a ſufficient proof in Law, for the Conviction and Condemnation of the meaneſt Subject.

And this leads me to another *Topick*, that the Earl of *Eſſex* did not deſtroy himſelf, but was murdered by others. For whereas it is not only ſworn, that he cut his own Throat, but * *That he had ordered his Servant two Days before, to provide a penknife for him, on pretence of cutting his Nails, but with an intent* (as *Bomeny* inſinuates in his depoſition) *of committing that fatal and tragical Act*; I doubt not but to make it appear that he was ſo far from

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* *Braddon's Trial p.* 45. 55.

any previous intention of that Nature, that he took all imaginable care in reference to his ſafety; and being fully ſecure as to any hurt he might do himſelf, was only apprehenſive and jealous of what might be attempted upon him by others, and was accordingly ſolicitous how to prevent it. And therefore he had the very day before his Murder, appointed his Servants to bring up out of the Country, ſeveral Veſſels of Silver, neceſſary for the preparing and dreſſing of Victuals, with an intent to have them brought into the Tower, not ſo much becauſe he would have his diet provided and prepared by his own Cook, by reaſon of being curious in what he eat; but becauſe he was jealous of his ſafety, whilſt his Meat was made ready by any of the Officers of the Priſon, and was not without ſuſpicion that ſome violent and illegal means would be uſed towards his deſtruction. Nor is it unworthy of our further remark, that he was ſo far from having abandoned himſelf to diſpair, or having entertained the leaſt thought of being his own Executioner, that the very day before the perpetration of the barbarous and horrid Fact upon him, he had ordered a conſiderable quantity of the beſt ſort of Wines to be bought, and brought into his Lodgings for his own drinking, reſolving out of a regard to his ſafety rather than his Health, to taſte none that was ſold in or about the Tower. And whereas he knew that they had no intentions at court of bringing him to a Trial, nor indeed could, having but only one Perſon that pretended to be a Witneſs againſt him, he had accordingly appointed the providing ſuch a quantity for him, as would have ſufficed ſome Months for his own drinking, till he could have been delivered in a due courſe of Law. Nor can unbiaſſed and impartial Men, make any other inference and deduction from theſe circumſtances, than that the Earl of *Eſſex* inſtead of having deſigned any violence upon himſelf, was only ſuſpicious of what might be attempted againſt, and perpetrated upon him by other hands.

But if we will allow our ſelves leave to obſerve, what *Ends* the violent death of that Earl hath been improved unto, and what deſigns his Majeſty's Juſtices and Miniſters hath ſtudied to ſerve by it; we ſhall both let our ſelves and the World into a fuller view and knowledge of this Helliſh Myſtery of Darkneſs, and be able to detect the Contrivers of it, and by whoſe encouragement and Authority, that excellent though unfortunate Perſon was brought to an untimely and bloody Death. In order whereunto we are to recollect, how that after diverſe Contrivances and Eſſays of involving Proteſtants in *Sham*-Plots, againſt the Perſon of the King and the eſtabliſhed Government, they were at laſt poſſeſſed of a pretence of a Conſpiracy of this Nature, and had furniſhed themſelves with ſome Witneſſes, who under-

dertook the ſwearing the beſt and chiefeſt Men in the Kingdom, into a Conjuration for levying War and deſtruction of his Majeſty. But being conſcious that their Witneſſes were not of a reputation to win belief to what they had prepared in charge againſt the principal Patriots of our Religion and Laws, they reſolved to Murder the Earl of *Eſſex*, (being one of thoſe they had committed, upon an Accuſation of being guilty of that pretended conſpiracy) and then to give out, that he had deſtroyed himſelf, from the ſhame and horror of being concerned in ſo treaſonable a deſign. This they judged to be the moſt effectual way to ſupport the credit of their Witneſſes, and gain over the Nation to give Faith to the Truth and Reality of the Plot. For as his Majeſty's Miniſters knew what infamous Perſons moſt of the Witneſſes were, and how far from deſerving that any thing ſhould be received upon their Teſtimony; ſo they were very ſenſible that the generality of the Kingdom, were not over inclinable to believe a Proteſtant Plot, there having been ſo many endeavours before, of impoſing upon them in this way and kind. This was the deſign in order to which the Murder of this honourable and innocent Perſon was contrived and reſolved, and to this end did the *Attorney-General* and my Lord *Chief Juſtice* with all the Eloquence and Artifice, as well as all the Malice they are Maſters of, endeavour to make it uſeful and ſubſervient. *The Lord of* Eſſex *being committed to the Tower for the Plot, and killing himſelf there, was more* (ſays the *Attorney-General*) *than a thouſand Witneſſes to open the Eyes of the People, and confirm the belief of the Conſpiracy.* * *There was* Digitus Dei *in it,* (ſays my Lord *Chief Juſtice Jeffreys*) *and enough to ſatisfie all the World of the Truth of the Conſpiracy, that the Earl of* Eſſex *being Conſcious of the great guilt he had contracted in being concerned in it; did rather than abide his Trial, and for the avoiding the methods of Juſtice in his own particular caſe, deſtroy himſelf.* The improvement of the Murder of that Noble Peer, to the eſtabliſhing the belief of a Plot, gives no ſmall ground to ſuſpect who were the contrivers of his Death, and upon what deſign they did firſt Aſſaſſinate, and then endeavour to caſt and divert the infamy and guilt of it upon himſelf. But I hope they will from their own ways of Argumentation, allow us the liberty of inferring, that in caſe my Lord of *Eſſex* was not *Felo de ſe*, that then there was no ſuch Proteſtant-Plot as they have filled the World with the noiſe of, ſeeing the only motives upon which they ſuppoſe and alledge his having committed that unnatural Fact upon himſelf, were the reproach and horror of that Conſpiracy. Nay we doubt not, but that all the honeſt and diſintereſted part

* *Braddon's Trial p.* 3. *ibid. pag.* 63.

of Mankind, will upon Conviction of their having deſtroyed that innocent Gentleman, become fully ſatisfied, that there hath been no ſuch Treaſonable Combination, as his Majeſty's Miniſters have endeavoured to impoſe the belief of, upon the Nation; but that all is Court and Popiſh Sham, and only deviſed and framed for ſubverting our Liberties and Religion, by cutting off thoſe that had the integrity and courage to eſpouſe the Protection and Defence of them.

And as the End whereunto the unnatural Death of my Lord *Eſſex* is applyed and improved, ſhows by whom it was contrived and effected; ſo the *Timing* of that Murder, does further Evidence and Demonſtrate, where the guilt of it ought to be charged, and what ſervice it was calculated for the promoting off. For as if it had not been enough to Murder *One* innocent Perſon, in a way of the moſt *barbarous violence* imaginable, they reſolved to adjuſt it to ſuch a juncture of time, as that it might ſerve to facilitate and compaſs the ruine of *another* Noble Perſon, in the way of their *Legal Forms*. And therefore, no ſooner was my Lord *Ruſſel* entred on his Trial for Life, upon an Indictment of being guilty of that pretended Conſpiracy for which the Earl of *Eſſex* ſtood committed, but they Aſſaſſinated the *One* in the *Tower*, and immediately diſpatched away the news of his having Murdered himſelf, to the *Old-Baily*, thereby to amuſe and prepoſſeſs the *Jury*, and byaſs them to Convict that *Other* Virtuous, Noble and Innocent Perſon. And with what ſatisfaction in themſelves, as well as Malice and Artifice againſt the Priſoner at the Bar, did his Majeſty's Council lay hold on the tidings, and apply them towards the begetting a belief of the guilt of that admirable Perſon who ſtood then arraigned, and whom they were at that very time haranguing and pleading out of his Life. As if it had not been enough to impreſs the Minds of a *Jury* ſufficiently prejudiced, and which to all Mens knowledge was groſsly partial, for the *Attorney-General* to ſay, * *That my Lord* Ruſſel *was one of the Council, for carrying on the Plot with the Earl of* Eſſex, *who had that Morning prevented the Hand of Juſtice upon himſelf.* Sr. *George Jeffreys* comes after him, and adds in the winding up the Evidence to the *Jury*, juſt before they went from the Barr, and without all doubt the better to mould and determine them to find the Arraigned Perſon Guilty, † *That there was nothing could be ſaid in favour of my Lord* Ruſſel's *Innocency, as to what he was accuſed of, but what might be more ſtrongly alledged in behalf of the Earl of* Eſſex, *who nevertheleſs from a Conſciouſneſs of being guilty of that deſperate Conſpiracy, had brought himſelf to an untimely end, to avoid the methods of publick*

* *My Lord Ruſſel's Trial, p.* 38. † *Ib. p.* 59.

lick Juſtice. Yea, ſo evident was it to all impartial Perſons, who were then preſent at the Trial, that the Murder of the Earl of *Eſſex*, was not perpetrated by himſelf, but by others, and that it was timed and adjuſted to that ſeaſon, in order to the influencing the Jury to give up my Lord *Ruſſel* with the more eaſe, as a Sacrifice aud Victim to the rage of the Court; that a very noble Lord, who was always in the Intereſts of *Whitehal*, and who was then very zealous in the proſecution of thoſe accuſed for the Plot, being at that time on the Bench, did upon the hearing of my Lord of *Eſſex*'s death, and who were then walking in the Tower when it fatally fell out, and upon obſerving with what diligence, care, and artifice, the news was brought into Court, as my Lord *Ruſſel* was at the Bar, and how the King's Council thereupon acted their parts, riſe up in great conſternation from the Bench where he ſat, and pulling his Hat over his eyes, preſs'd out of Court, ſaying he plainly ſaw the bottom of the Buſineſs, and all the Myſteries wrap'd up in it. And indeed ſuch influence and ſucceſs had the news of the Earl of *Eſſex*'s having murder'd himſelf, from the ſhame and horrour he was under, for being concern'd in the Conſpiracy whereof my Lord *Ruſſel* ſtood then arraign'd, that divers of the Inqueſt have confeſs'd and acknowledged, that the report of the Earl's death, eſpecially as improved and managed by the King's Council, had greater power over their Minds for the convicting him, than all the other Evidence which was given, and that they do really believe they ſhould never have found him guilty without the intervention of that fatal ſtroak, and the crafty application which the King's Council at Law made of it. But ſo far was the Earl of *Eſſex* from entertaining any forgoing thoughts of murdering himſelf, or from calculating the perpetration of it to that unhappy ſeaſon, that the very day before my Lord *Ruſſel*'s Trial, (being alſo the day before his own Throat was cut) he gave private directions to his Steward, to place himſelf with all the conveniency in Court which he could at the ſaid Trial, the better to take the Evidence in ſhort hand, inſtructing him withal how he might afterwards convey it to him for his peruſal, and to be made uſe of as he ſhould have occaſion. And as the Earl of *Eſſex* was a perſon of that Sedateneſs, Honour, and Vertue, that no rational or good Man can believe he would commit ſo horrid a crime upon himſelf; ſo ſuch was the entire friendſhip between him and my Lord *Ruſſel*, that we muſt renounce common ſenſe and reaſon, before we can admit that the Earl of *Eſſex* would be guilty of ſo heinous an injury to his deareſt and beſt Friend, as to calculate and adjuſt the murdering himſelf to ſuch a ſeaſon, which he muſt needs know would be too probable a means, to derive the deſtruction of a perſon whom he infinitely valued and loved after it.

Having now ſhewn the end unto which the murder of this incomparable Earl was deſigned and adapted, and the improvement which was made of it, not only through endeavouring to eſtabliſh thereby the belief of a Proteſtant plot in general, but to compaſs and facilitate the ruine of that Religious and Noble Perſon, my Lord *Ruſſel* in particular; we ſhall as a further inducement to perſwade and convince the inquiſitive part of Mankind, that ſome about St. *James's* and *Whitehal* were the Contrivers and Authoriſers of that barbarous aſſaſſination, lay open and unfold the motive and pique upon which it is done, and what it was which gave the original riſe to ſome Mens implacable malice againſt that Loyal as well as Vertuous Perſon. And as it cannot be denied but this late noble Earl had received Titles of Honour, and Places of truſt, Intereſt and advantage from his Majeſty, ſo it will be acknowledged that not only his Father but himſelf, had laid all the Obligations upon the Crown, which it was poſſible for Subjects in way of Acting or Suffering to do. Nor is it leſs evident, that notwithſtanding both the Father my Lord *Capel's* laying down his Life for *Charles* the Firſt, and the Engliſh Monarchy, and his Son *Eſſex's* manifold Sufferings and Services for *Charles* the Second, and the Royal Family; yet this honourable Perſon, inſtead of quietly poſſeſſing any longer the juſt Rewards of his Own and Father's Merits, or enjoying any more the wonted ſigns of his Prince's Favour, was not only debarred from, and deprived of the Reſpect and Confidence which his Majeſty had uſed to ſhew him, but was become the Object of the Duke of *York's* implacable hatred, and boundleſs malice. For tho' the Earl of *Eſſex* was a Perſon, whom nothing could corrupt from his Loyalty to the King and the eſtabliſh'd Government; yet he was alſo a ſincere and zealous Patriot of the Laws and Liberties of the Kingdom, and a courageous Defender as well as Owner of the Proteſtant Religion. And as he was none of thoſe mercenary, baſe, and timorous Lords, who would either connive at, or concur in the Introduction of Slavery and Popery; ſo he was one of the principal of thoſe Heroick and generous Peers, who had been active in detecting the Popiſh Conſpiracy, and who had laboured with the greateſt induſtry to prevent the effects of that helliſh Conjuration of the *Vatican*, *Louvre*, and St. *James's*, for the extirpation of the Reformed Worſhip, and the ſubverſion of the ancient Laws and Privileges of *England*. And as he was known to underſtand more of the nature and extent of the Popiſh Conſpiracy, and who were concerned in it, and to what degree, than moſt perſons in the Kingdom either were, or ever had opportunities for; ſo nothing can be more certain, than that as hereby he became the moſt dangerous Man in the whole Nation

tion to the Papiſts, but that he muſt conſequently be the moſt ſpecial object of their Jealouſie, Fear, and Hatred. For as his publick Station in *Ireland*, as well as his having been long a Member of his Majeſty's Privy Council in *England*, furniſhed him with manifold advantages, which others wanted, of knowing the tendency, and penetrating into the bottom of all the Deſigns and Councils which have been carrying on againſt our Religion and legal Government; ſo his ſcorning and abhorring to ſacrifice his Conſcience and Honour, by either falling in with the Conſpirator's, or by avoiding to withſtand and oppoſe them in their Attempts for the Introduction and Eſtabliſhment of Popery and Arbitrarineſs, made them to think of all ways and means how to deſtroy him. And beſider theſe forementioned Advantages which he had above other Men, of all knowing the demenſions of the Popiſh Plot; he received no ſmall acceſſion of light in that Affair, by having been always a Member of thoſe ſecret Committees, which had the Examination of Perſons, and Inſpection of Papers, concerning that deviliſh Conſpiracy. Nor was the Earl inſenſible of the danger he was in, upon this account, and accordingly was wont ſometimes to ſay to his intimate Friends, That as generally all the Papiſts, and more particularly ſuch of them as make the greateſt figure in the Kingdom, dreaded him by reaſon of the detection he was able to make of their horrid Machinations; ſo he could not be without apprehenſion, but that they would ſeek to deſtroy him in order to prevent it. Alas, poor *Eſſex!* thy reſpect to ſome whom I forbear to name, made thee wanting to ſave the Nation and thy ſelf, by revealing that while we had Parliaments, the knowledge whereof would have been a means to have prevented our ruine; and as thou art now ill rewarded for thy tenderneſs to thoſe ungrateful Men, ſo we are at once unhappily robb'd of the great Inſtruments that could have unmasked Perſons and Things, and denied Parliaments, from whoſe legal Authority, as well as united Counſels and Wiſdom, we can only, under God, hope for the preſervation of *England* from becoming the Seat of Popery, and the Theatre of Tyranny. Nor ought it to ſeem ſtrange that the Malice of the Papiſts, and of thoſe who have conſpired againſt our Rights and Privileges, ſhould tranſport them to that meaſure & degree of rage, againſt a perſon who had not only faithfully ſerved his Majeſty and the Crown, but from whom they could expect no oppoſition, but what was founded in the Authority of our Laws, and promoted in a Parliamentary way, and which the King himſelf is bound by his Oath, as well as the Duty and Truſt repoſed in him, to ſecond and give countenance unto. For beſides divers Gentlemen of that Temper, and Character, whom they have deſtroyed or condemned by ard

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under a form of Law, but indeed contrary to all the Laws of the Land, and against the worſt Preſidents, even in the moſt abſolute and deſpotical times; there may be ſeveral Gentlemen mentioned whom they have cut off without the form of any proceſs, meerly becauſe they either thought themſelves prejudiced and withſtood by them in their deſigns, or were afraid of them, by reaſon of the diſcovery which they were able to give of their Conjurations againſt the Kingdoms, and of the Villanies they had committed in ſubſerviency to the eſtabliſhment of Popery and Tyranny. For not to mention either the Condemnation of that moſt honourable Perſon the Earl of *Argyle*, nor the Condemnation and Execution of that gallant Gentleman *Colonel Sidney*, nor the late barbarity uſed againſt their ancient Servant Sir *Thomas Armſtrong*, all which were directly repugnant to the Laws of the reſpective Kingdoms, and contrary to all proceedings in other criminal and capital Caſes: Were not my Lord *Lucas*, Sir *Robert Brooks*, and Sir *Edmundbury Godfrey*, without being ſo much as arraigned or accuſed, murdered by them, only becauſe they either found them oppoſite to their Romiſh and Arbitrary Deſigns, or knew them capable of revealing their helliſh Counſels and Actions againſt the Nation, the Eſtabliſhed Government, and the Reformed Religion? What Family in *England* had done or ſuffered more for Monarchy, and for his preſent Majeſty as well as his Father, than that of my Lord *Lucas*? Some whereof had ſacrificed their Lives, and all loſt their Eſtates and Fortunes, upon the alone ſcore and account of their Loyalty; and yet notwithſtanding all this, my late Lord *Lucas* could no ſooner declare his jealouſie concerning the entrenchments which were making upon the Laws of the Land, and with zeal and courage avow his Intergity in the Proteſtant Religion, and his reſolution to aſſert by all legal ways, the ancient Rights and Privileges of *England*, but the Conſpirators againſt our Religion and Laws, contrived and reſolved the death of that worthy Patriot, acd found means to poiſon him by ſuborned and hired Inſtruments. And for Sir *Robert Brooks*, though he had not been called to that ſervice for the Crown, nor had the misfortune to ſuffer in that degree for the Monarchy, which the former noble Perſon had; yet he was never wanting in Loyalty to his Majeſty, but always ſerved him with faithfulneſs in his Capacity, and upon all occaſions expreſſed the utmoſt readineſs to maintain and promote the Greatneſs of the King, and Honour of the Throne: Nevertheleſs that worthy Gentleman had no ſooner ravelled into the Burning of *London*, and traced that execrable Deed to St. *James's*, which as Chairman of the *Committee*, that was appointed to inſpect and ſearch after the Authors of that dreadful Conflagration, he had both occa-

occaſion and was juſtified by his place to do; but the *Romiſh* Faction who had perpetrated that horrid Villainy, took up a reſolution to cut him off, partly in revenge of his Zeal and Service to the City and Kingdom in that matter, and partly to diſcourage others from medling in a point which ſo neerly touched ſome of the greateſt, as well as to prevent the publication of the reſearches and diſcoveries he had made. And whereas Sr. *Robert* upon an entertainment of Apprehenſions and Jealouſies in himſelf, as well as upon the warnings and informations he had received from Friends, of a deſign againſt his Perſon and Life, did on the Prorogation of the Parliament, withdraw the Kingdom to avoid their fury; yet theſe implacable and bloodthirſty Men, who never pardon either thoſe that actually have, or are in a capacity to injure them, hired Aſſaſſinates to dogg and purſue him, whitherſoever he went; who at laſt taking him at an advantage, drowned him in a River, where he was about to waſh and refreſh himſelf. And for Sr. *Edmundbury Godfrey*, all that are not wilfully and perverſly ignorant, are ſo fully inſtructed both of the barbarous Murder committed upon that Gentleman, and from what Motives and Inducements, and by whoſe countenance and Authority he was Aſſaſſinated, that I ſhall not trouble my ſelf or the Reader by enlarging on that Villainous Fact, which we have hitherto wanted the courage to make a Perſon at St. *James*'s anſwer for. Upon the whole, it can be no ſurprize to thinking and obſerving Perſons, to hear that the Earl of *Eſſex*, was, by the Authority of the Duke of *York*, Murdered and Aſſaſſinated; ſeeing it is no more, than what he and our Arbitrary and Popiſh Miniſters, have practiſed upon ſeveral others, whoſe oppoſition, power, wiſdom and intereſt, they did not ſo dread and apprehend, as they did the Zeal, Courage, Integrity, Prudence and Figure, as well as Eſteem in the Kingdom, of that truly Great and Honourable Peer.

As the *Topicks* which we have already inſiſted upon, adminiſter ſufficient ground to believe, that the Earl of *Eſſex* did not Murder himſelf, but was villainouſly Aſſaſſinated by others; ſo it is rendred more plain and evident from the *Reports* which were ſpread abroad, both of his Death and the manner of it, before that barbarous Fact was committed, or at leaſt before the Fame of it could reach the places where it was told and related. It hath been always eſteemed a rational ground of accuſing the *Spaniards* and *Jeſuits*, of the Aſſaſſination of *Henry* the Fourth of *France*; * that the news of his Death was not only reported in *Spain*, *Millan* and *Flanders* ſome days, if not weeks, before the miſcreant *Raviliack* gave him the fatal ſtab, but becauſe a *Courier* paſſing through *Luxemburgh* both related the News of

* *See Mezeray's Life of Henry* 4.

of his Death, a Week before he was Murdered, and had the impudence to declare that he was carrying the Tidings of it to the Princes of *Germany*. * The Committee of Parliament that had the examination of the burning of *London*, *Anno* 1666. judged it no small Evidence that the City was burnt on design, and through the treachery of the Papists, that the news of it had not only been reported in divers parts of *England* before that fatal conflagration fell out, but written from beyond Sea as the discourse which the *Jesuits* entertained their Favourites and Privado's with. Nay it was both one of the first means of discovering by whose contrivance Sr. *Edmundbury Godfrey* had been Murdered, and was also urged, and allowed upon My Lord *Stafford*'s Trial, as a proof of the Papists being guilty of that Assassination, that the news of Sr. *Edmund*'s being killed, was related sixty or seventy miles off in the Country before it was known at *London* what was become of him. Nor indeed can it be imagined how matters of Fact, should come to be told, before they are acted or committed, but by granting that such things were resolved upon and designed, and that they came to be vented and talked off, by reason of the blabbing humour either of some Persons accessary to the Contrivance, or entrusted with the knowledge of what had been agreed unto, and determined in more secret *Cabal's*. So that we may rationally hope, the ingenious part of Mankind will esteem themselves much enlightned in reference to the manner of the Earl of *Essex*'s Death, and enabled to conclude who were the Contrivers and Perpetrators of the Villainous Assassination of that renowned Person, if we represent unto them, with all the distinctness we can, the Reports which went of it, both in City and Country before the Commission of the abominable Fact, or at least before the tidings could reach the places where it was spoken and discoursed. Nor will it be unfit to begin with that, which a Woman of Quality hath related to divers Persons, and which she is ready to swear in the presence of any Magistrate when called thereunto; namely that being the day before the Earl of *Essex*'s Death, bestowing a visit upon some of her acquaintance, and there happening in that conversation, a discourse concerning that unfortunate Gentleman Sr. *Edmundbury Godfrey*, who because of the intelligence he had received from *Coleman*, as well as the Deposition made before him by Dr. *Oats*, about the Popish Conspiracy against the King and the Government, was barbarously Murdered, *Anno* 1678 a Gentleman then in Company took the freedom and boldness to say, *That there would appear on the Morrow, another Sr.* Edmundbury Godfrey. This though the Lady could not at that time fathom & comprehend, yet being surprized with the expression

* *See the Information exhibited to the Committee of Parliament, p.* 5. *c.* 13.

ſion, ſhe related it to her Siſter, that evening when ſhe came home. And upon hearing the next day that the Earl of *Eſſex* was murder'd, and how it was reported that he ſhould have cut his own throat; the poor Lady, tho' ſtrangely alarm'd with the news, could not but immediately make this reflection, that what ſhe had look'd upon over night as a parable and myſtery, was then decyphered and unridled; and that the Earl muſt needs have come to that untimely end, by the treachery & villany of others. To this we ſhall ſubjoin what Mrs. *Mewx*, a Gentlewoman who alſo lives in *London*, was ready to depoſe upon Oath, relating to a previous report of this nature, at Mr. *Braddon*'s Trial: For being on Thurſday the 12th. of *July* (which was the day before my L. of *Eſſex*'s death) travelling with her Daughter in a Coach from the City down to *Berk-ſhire*; ſhe is ready to ſwear that her Daughter then told her how ſhe had heard it reported, That one of the Lords committed for the late Plot, had cut his throat in the Tower. Which fully evidenceth, that there was a diſcourſe not only of his death, but the manner of it, antecedently to his fatal and tragical end. But the Daughter being with Child, and near her time, and therefore not daring to venture abroad, much leſs into the Court at Mr. *Braddon*'s Trial; my Lord Chief Juſtice would not ſuffer the Mother (tho' ſhe was there and ſworn) to be examined, alledging, that becauſe ſhe could not depoſe on her own knowledge, but only on the report of her Daughter, it was no evidence, and therefore againſt all judicial forms to admit it. But as Mr. *Wallop* well replied, * *It was evidence there was ſuch a talk* previous to my Lord of *Eſſex*'s death; ſo I may add, that by conſequence he did not murder himſelf, but was aſſaſſinated by others. Nor was it only in and about the Town that my Lord of *Eſſex* was reported to have cut his throat, at leaſt a day, if not more, before he came to his untimely end; but the ſame was diſcourſed of at a conſiderable diſtance in the Country, and related after the ſame manner, and with the ſame circumſtances; for one Mr. *Fielder*, a Shopkeeper in *Andover*, a Town removed from *London* above 50 miles; poſitively ſwears, That it was talk'd there the 11th. and 12th of *July*, that the Earl of *Eſſex* had cut his throat in the Tower, whereas he was not kill'd till the 13. nor could the news arrive ſo far in the ordinary way of conveying Intelligence, before the 14. And the ſaid Mr. *Fielder* further averrs, that this was ſo commonly diſcourſed of from *Wedneſday* night, till *Friday* noon, that he fully expected the confirmation of it by the Poſt letters, which were to arrive that day. But finding no mention in thoſe letters, of any ſuch thing, tho' they all agreed in the relation of the E. of *Eſſex*'s commitment to the Tower, he concluded

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* See *Braddon*'s Trial, *p.* 48.

there could be no truth in the report, but withal wondred how such a thing came to be talk'd of. And therefore when the cetrain news of my Lord's death was brought to *Andover* about Saturday noon, by some Clothiers that came out of *London* on Friday at twelve of the clock, he could not but be amazed at the report which had been current among them two days before: But my L. Chief Justice was pleased to ridicule all this, when it was deposed at Mr. *Braddon*'s Trial,* *as a contrivance to deceive the King's Subjects, & to set us together by the ears; stiling it Stuff, rak'd out of Dunghils, and pick'd up on purpose to kindle a fire, and set us all into a flame.* But can his Lordship think that his blustering, his impudence, and the huffing the World with foaming wrathful speeches, are enough to take off the positive testimony of an honest and credible Person, and who had spoken of this report long before he thought any improvement would be made of it. Nor is it sufficient to blast the Reputation of the Man, or detract from the Truth of what he swore, that he could not particularly name the persons that had reported it; because as he never expected to be called into question about it, so he had no occasion to recollect it, till he was served with a *Subpœna* to appear at Mr *Braddon*'s Trial, which was above five Months after the time of the said talk and discourse. And besides, how many things are there, which a publick Shop-keeper, as this person is, may hear his Customers speak of, which he would be nonplus'd to give an account of the Authors of, at a Weeks end? Nay, by how much a report is common, (as he says this was at *Andover*) by so much are we apt to neglect by whom it hath been particularly related. And the more our Understandings are struck with the horrour of a matter declared to us, the less do we advert by whom it is spoken, and the more unprepared are our Memories to treasure up the names of the reporters. Nor was it at *Andover* only, that it was reported the Earl of *Essex* had cut his throat, the day before he was killed; but the same story, and cloathed with the same circumstances, was discoursed of before his death in divers other places. For I am not only credibly informed, that the Earl of *Essex*'s having cut his throat, was reported on Thursday, being the day before his death, at *Warmister* in *Wiltshire*, which is distant from *London* about eigty miles; but there is one *Thomas Cox*, who lives near *Bruningham*, that did positively declare, that the same was told him in that Town, the 12th. of *July*, whereas my Lord was not killed in the *Tower*, till the 13. th And besides all this, to evidence a report of that noble person's being murdred, previous to the commission of the fact; there are too Informations more delivered upon Oath at Mr. *Braddon*'s Trial, one by *Jeremiah Burgis*, that lives at *Marleborough*, who

* *Bradd.* Trial, *p.* 38, 39.

who ſwears that he heard it at *Frome*, a place 90 miles from *London*, the very day that the Earl of *Eſſex* died; and another by one *Lewes* that lives at *Marleborough*, who depoſeth that being riding on the road within three or four Miles of *Andover*, on Friday in the afternoon, the ſame day that the Earl of *Eſſex* was Murdered, he was told by a Perſon whom he fell in with on the way, that the ſaid Earl had cut his Throat in the Tower. And notwithſtanding all the Affronts and Diſcouragements put upon thoſe two witneſſes whilſt they were giving their Teſtimony, and notwithſtanding all the ſcorn and contempt wherewith * S. *George Jeffreys* endeavoured to expoſe and ridicule what they depoſed; yet I dare venture their informations upon the Faith of all indifferent and ingenious Men, whether they do not abundantly prove, that there was ſuch a Report ſpread abroad antecedently to my Lord of *Eſſex*'s Death, or at leaſt before the tidings of it could reach ſo far, as that he had cut his Throat in the Tower. Only I ſhall crave liberty to make two or three reflections on theſe Depoſitions, and they ſhall not only be natural and eaſie, and far from being wreſted and extorted out of what was ſaid, but they ſhall be ſuch as muſt neceſſarily beget and ſtrengthen a belief that my Lord of *Eſſex* did not Murder himſelf, but was through the Contrivance and Malice of others, barbarouſly Aſſaſſinated by the hands of Ruffians and execrable Villains. And the firſt is, That it ought to be reckoned as a Wonder, and aſcribed only to the over-ruling Providence of God, that will not ſuffer a crime ſo hateful to Heaven, and ſo ruinous to Humane Socicty, to fall out without leaving ſome prints and footſteps by which it may be traced and detected, that a Crime ſo enormous in it ſelf, ſo provoking and exaſperating to Mankind, and which the Authors of, and Actors in, would be loath to bear the ignominy and undergo the puniſhment that ſo horrid a guilt ſubjects them unto, ſhould be communicated to ſo many and ſo commonly talked of before the Fact. But by how much Revenge is one of the ſweeteſt Paſſions, and moſt grateful to depraved Natures, by ſo much hath it a Power and Vertue in it, to cauſe to Men open and unboſom themſelves, from the ſatisfaction which it yields, and the delightful guſt that it affords them. And though the Papiſts were at that time exceedingly tranſported with joy, partly through their having ſham'd a Plot upon Proteſtants, which they ſuppoſed would extinguiſh the remembrance of their own, and partly from the hopes they had, of appeaſing the Ghoſts of their Tyburn Martyrs, with the blood of *Engliſh* Hereticks; yet they could not but be uneaſie in their Minds, to think that the Earl of *Eſſex*, whom they ſo peculiarly hated, and whoſe ability to unmask their de-

 ſigns,

* *See Braddons Trial p.* 37, 49, 50, 51.

ſigns, as well as intereſt in the Nation and reſentment for being committed, they ſo much apprehended and feared, ſhould be able to eſcape their hands, through want of Evidence againſt him, which made it needful for the Heads of the *Romiſh* Faction, to let their little clamorous and talkative Votaries know, how they had reſolved to uſe and employ Force and Violence for the deſtruction of that ſo much dreaded Enemy, whom mercinary Judges and ſuborned and picked Juries, would not ſerve to cut of in the way of Legal and judicial Forms. Nor is it improbable, but that the Contrivers of this Noblemans Death, might have reſolved the Execution and Commiſſion of the Fact ſooner, and that the reaſon of adjourning it, was to adjuſt it to the ſeaſon of my Lord *Ruſſel*'s Trial, thereby to make the Murder of the one, ſubſervient and uſeful to the death of the other; but that thoſe acquainted with the firſt Reſolution, had from a forwardneſs of obliging their Friends, too haſtily given them intelligence of the thing as already done, when it was not as yet perpetrated nor committed, by reaſon of the latter Reſolution. The ſecond obſervation I would make upon the forementioned reports is, that though they were vented by ſeveral Perſons, yet they not only agreed in the matter of the Earl of *Eſſex*'s Death, but they accorded alſo in the way and manner of it, namely that he had cut his Throat. Which plainly ſhows that it was not vulgar Tattle vented at random, but that it had its foundation in a previous and fixed reſolution that he ſhould undergo that unhappy fate. Nothing but a ſteady and determinate cauſe, can produce a ſteady and determinate effect. Had the report taken its riſe in the jealouſies of his friends, or owed its birth to the fearful apprehenſions of the common People; they would have rather dream'd of his being poiſon'd, as being more ſafe for the Actors to perpetrate, and requiring the acceſſion of fewer hands, than have ever imagined that his Throat ſhould be cut. It is impoſſible to conceive that the Reports of ſo many ſeveral Perſons, ſhould not only agree in the matter of his death, but all harmonize and center in the very circumſtance of the manner of it; unleſs it had originally proceeded from ſuch as had contrived and determincd both the Murder it ſelf, and the way wherein it ſhould be committed. For when Reports have their foundation only in Mens fancies, they will always vary according to the different tempers, Paſſions and Complexions of the Reporters. The third Deduction which I would infer from the premiſed Reports, is that they could not be fictions and forgeries of Lyers and People *Romantickly* diſpoſed. For how could ſo many Perſons, and at ſuch diſtances from one another, and betwixt whom there was never any correſpondence, agree and combine together to impoſe upon the World; and to abuſe the Faith of Mankind? And as they all ſeem

to

to be Persons who abhor tricks, and who would not be guilty of spreading, much less of raising a false Report; so it is beyond the wit of Man to declare, how it should come to be the interest of *Gentlewomen*, and *Country Tradesmen* to be the Authors of such a Story, that my Lord of *Essex* had cut his Throat, before it was done. And for any to imagine that the *Fanaticks* were the framers of it, is to represent them not only Wicked but Fooliſh, and to suppose they would dis-serve themselves, as well as slander and reproach their noblest and best Friend.

And what clearer Evidence, or greater confirmation can there be, of the Earl of *Essex*'s not having been *Felo de se*, but treacherously murdered by others, and that they who were the Authorizers of that horrid Assassination, are Persons of great power and interest at Court; then that there have been Letters sent, and Proposals made to some Noble Lords near the King, that his Majesty will but grant a Pardon to two or three Men, who shall be named when that Grace is indulged, and that then the whole Intrigue and Mystery of that Helliſh Contrivance shall be discovered, and the contrivers as well as perpetrators of it particularly detected, with a full account of all the circumstances of its Execution. 'Tis true I dare not affirm, that those Letters have been shown to his Majesty, or any intercession used with him in pursuance of that overture and proposal; but this I may justly say, that if they have neglected it, they must needs either know or suspect, that there are Persons of too great Power as well as Quality, interested and concerned in that execrable Villainy. For we can suppose no other motive, upon which Men of Honour would decline a service so acceptable to God, and whereby they might avert Wrath not only from the Throne and Kingdom, but from their own Persons and Families, through bringing enormous offenders and execrable Assassinates to punishment. But alas! that apprehension they are under, of deriving trouble and destruction upon themselves, instead of being able to expose the Malefactors to Justice, frightens them from the discharge of that duty which they owe both to God and Men. The having heard what the Duke of *York* should say in reference to Mr. *Braddon*; namely, *That he was ravelling into such a business, but that he was resolved to ruine him if all the Law of* England *would do it*; makes every Man affraid as well as sensible what he may encounter if he have the boldness to interest himself in this affair. O degenerate off-spring of brave and heroick Ancestors! Were it not much more elegible to run a hazard by acquitting your selves as Persons of Honour in discharge of your duty, than to seek for safety by involving your Persons and Posterity, under the guilt of that abominable and villainous Fact. And besides, can they otherwise hope, than that through conniving at so horrid

rid a Murder committed upon another Perſon, and one who was of a rank and condition equal to themſelves, they ſhall at laſt undergo the ſame or the like fate, whenſoever they have the unhappineſs and misfortune to fall under the wrath of a certain Gentleman at St. *James's*. But over and above the two Letters that were ſent to Noble Perſons very near the King to be communicated to his Majeſty, there was another Letter addreſſed to the Counteſs of *Eſſex*, and in order to the being conveyed to her Ladyſhip, directed to be left with one Mr. *Cadman* a Bookſeller in the *New Exchange* in the *Strand*; the tenor whereof was, *That if her Honour would prevail with the King for a Pardon, to one that would diſcover how my Lord came by his Death, or obtain of his Majeſty a Proclamation, aſſuring forgiveneſs to any who ſhould come in and detect by whom and after what manner my Lord was murder'd, that upon either of thoſe ſecurities, the way of the Earl of* Eſſex's *Aſſaſſination, ſhould be revealed, and laid open with all its circumſtances.* This Letter was in *Auguſt* laſt brought by a young woman to Mr. *Cadman*'s Shop, who finding him ſleeping on the inſide of his Counter, told him that ſhe had brought him a Letter directed to my Lady *Eſſex* concerning my Lords Death, which ſhe deſired he would read, being to that end left open and unſealed. But *Cadman* being drowſie and ſtill inclined to ſleep, inſtead of taking notice what ſhe ſaid, thruſt her from the Counter, as an officious and troubleſome Perſon, and commanded her to go about her buſineſs. Yet having after his being throughly awake, both peruſed the Letter, and conſidered the importance and conſequence of it, he judged himſelf in prudence obliged to carry it to a Magiſtrate, which accordingly he did to one *Hinton* a Juſtice of Peace in *Covent-Garden*, who as I have been credibly informed went with it to one of the Secretaries of State. This Letter as is moſt juſtly conceived was written by *Bomeny*; foraſmuch as he not only ſeemed about that time to be under ſome Remorſe in reference to the Death of my Lord, but becauſe ſome of *Bomeny*'s hand-writing being ſhewed to Mr. *Cadman*, it appeared to him according to the beſt of his remembrance and judgment, to be the ſame hand, or at leaſt very much like to that which the Letter was written in. Thus much is plainly evident, that it muſt have been written by one that was willing to be known, ſeeing it was both ſent open, and by a Perſon that was able to declare of whom ſhe had received it. For had the writing of this Letter been only a contrivance to avert the infamy of my Lord's death from himſelf, and deliver thoſe Gentlemen accuſed for the Plot, from the conſequences unto which the Earls imagined murdering himſelf, was improved againſt them; it would never have been left unſealed for Mr. *Cadman* to read, nor ſent by a Perſon that was acquainted

quainted with the Contents of it, as it plainly appears the Bearer was; but would both have been ſealed, to prevent *Cadman*'s looking into it, and conveyed by a Porter, or ſome ſuch hand, that would have been leſs liable to be queſtion'd, either about the contents, or the Author of it. Nor do's any thing more amaze and aſtoniſh thinking People, than that notwithſtanding the many Reports, as well as univerſal Jealouſies, of my Lord of *Eſſex*'s being murdered in the *Tower*, yet all this time his Majeſty hath not publiſhed one word to encourage an Inquiſition into the manner of his death, or to ſecure a Pardon to ſuch as ſhall be able to diſcover whether he was aſſaſſinated, & by whom, and after what manner he was brought to an untimely end. For conſidering the Obligations which the King and the Royal Family lay under to the late Earl of *Eſſex*, as well as to his Father my Lord *Capel*, and conſidering the many aſperſions thrown upon the Court in relation to the death of the ſaid Earl; it hath been expected that his Majeſty, as well in juſtice to the Family of the *Capel*'s, as in vindication of his own Honour from the infamy of having a Perſon of my L. *Eſſex*'s Merit and Figure, aſſaſſinated in his Majeſties Priſon and Palace, would have iſſued out a Proclamation, aſcertaining forgiveneſs to any that ſhould be able to prove his being murdered by others, & that he did not deſtroy himſelf, as ſome people have been induſtrious to give out. And that which increaſeth the ſurprize and wonder, is the conſideration of the forwardneſs which the King hath expreſſed in ſome other Caſes, for the detection of Murders of this nature: For beſides the tender of a Pardon, there was the promiſe of 500*l.* to any who ſhould diſcover the murder of Sir. *Edm. Godfrey*, and reveal the miſcreants by whom he was aſſaſſinated. And I would be loth to think, that his Majeſty's proceeding ſo differently in that caſe, from what he hath done in this, was rather to be aſcribed to his apprehenſions of a *Parliament* which was then in being, than to his love of Juſtice, or the deſire of delivering the Nation from the guilt of innocent Blood. But I am willing to believe, that the reaſon why the King doth not encourage the diſcovery of this late murder of my L. of *Eſſex*, ariſeth from the fear he is in of the perſons that were acceſſary to it: For in caſe he would authorize the detection of the Aſſaſſinates of this noble Earl, he will find himſelf obliged, not only to bring the E. of *Sunderland*, and my L. *Feverſham*, but his Royal and dearly beloved Brother, *James* D. of *York*, to puniſhment. And who knows but that he dreads leſt in calling theſe Gentlemen to account for cutting the Earl of *Eſſex*'s throat, he too much hazard & expoſe his own? Nor is at all ſurprizing, that the K. who had not the courage to reſent the poiſoning his own Siſter, by her Husband the D. of *Orleans*, at a juncture when he might have made *France* feel the effects of his Juſtice and Diſpleaſure; ſhould not have the bold-

boldneſs to queſtion his Brother, and other principal perſons of the Popiſh Faction, for the aſſaſſination of *Eſſex*, eſpecially at a time that he hath diveſted himſelf of all Power to hurt them; and by ſeeming offended, may only ſtir up their wrath againſt himſelf: For I remember, that when the late Sir *Thomas Armſtrong* had come poſt from *Paris*, to give his Majeſty an account how *Orleans* had poiſoned the Princeſs *Henrietta*, that he only replied, *Orleans is a Raſcal*; *but pray thee*, Tom, *do not ſpeak of what he hath done.* Yet that his Majeſty may not excuſe himſelf hereafter from cauſing further Inquiſition to be made after my Lord of *Eſſex*'s death, by ſaying he never heard otherwiſe but that he murder'd himſelf; I do therefore tell his Majeſty, and publiſh to all the World, That if he will grant an Indemnity and Protection to three or four perſons, we ſhall fully and evidently prove the Duke of *York*, the Earl of *Sunderland*, my Lord *Feverſham*, &c. to have been the Contrivers and Authorizers of it, and ſhall name the Ruffians in particular, who were employ'd to perpetrate the helliſh and execrable Fact, with an account of the ſeveral ſums of Mouey which they had for the execution of it. Nor ought his Majeſty to be diſpleaſed, that I arraign his Brother and principal Miniſters of ſo enormous and bloody a crime; for as I write nothing but what I can fully juſtifie, ſo I take the boldneſs further to tell both him and them, That if ever there come a Parliament in *England*, this matter ſhall be laid fully open, and Juſtice demanded againſt theſe impudent and enormous Offenders.

And, as if it were not enough to evidence the E. of *Eſſex* did not murder himſelf, but was barbarouſly aſſaſſinated by others, that no encouragement hath been given for the diſcovery of the Authors of that villainous Fact, notwithſtanding all the rumours & reports which have run to and fro, both of the manner of his death, & the actors in it; it receives both a further & a very convincing acceſſion of proof from this, that all means have been us'd to deter Men from enquiring into that matter, & to prevent their detecting what they may know of it. The paſſages to this purpoſe would fill a volum meerly to relate them; and therefore I ſhall confine my ſelf to two particulars, which I ſhall endeavour to deduce & repreſent, with all the brevity as well as clearneſs, I can. Nor can it in the firſt place, but aſtoniſh the World, to find the Judges, with whom the adminiſtration of Law & Juſtice between the King and his People, is truſted; I ſay, to find them contrary both to the nature and end of their Office, & the Oaths they have taken of acting impartially, to brand the medling in the matter of the E. of *Eſſex*'s death, as a reflection upon his Majeſty, an affront to the Government, and a deſign to involve and embroil the Nation in trouble: For not only the Attorney-General ſtigmatizeth the report and belief of the Earls being murder'd

by

by villanous Hands, as * *the throwing that ill thing upon the Government which he had committed upon himself*; but my Lord Chief Juſtice *Jeffery*'s is pleaſed to ſtile it *a Libelling of it, and to have been forged in order to beget Heart-burnings and Jealouſies in the Kings Subjects againſt the Government, and to raiſe Sedition.* Whereas the Government would never have been charged with this horrid Guilt, tho ſome at the head of Affairs might poſſibly have been accuſed of it, had not theſe *Gownmen* involved the Government under the infamy and aſperſion of it, and done all they can to teach others to lay the barbarous Fact at that Door. For as it is not the firſt time that a Priſoner hath been murdered in the *Tower*, ſo it was never till now called a Reflection on the Government, to endeavour to prove that ſuch or ſuch a Perſon was deſtroyed by violent and bloody hands, even of whoſe Death the *Coroners Inqueſt* had upon their Inquiſition given another *Verdict*. Nay, when the chief Favourites of our Princes and firſt Miniſters of State, have been accuſed as guilty of murdering a Gentleman impriſoned in the *Tower*, whom the *Coroners Jury* had on their *Inquiſition*, declared to have died a natural Death; yet it was not thought to be an Impeachment of the Government, or a devolving the Guilt of that bloody Crime upon the King. Of this we have a famous inſtance in Sir *Thomas Overbury*, who being committed Priſoner to the *Tower* in the Reign of King *James*, and there *poyſoned* by the contrivance and inſtigation of the Earl of *Somerſet*, &c. (that was then chief Miniſter as well as principal Favourite) was brought in by the Coroners Inquiſition to have died a natural Death. And yet it was thought no diſhonour to the Government, to have the Death of that Gentleman afterwards enquired into, and to find it proved contrary to the *Coroners Inquiſition*, that inſtead of dying a natural Death, he was baſely and treacherouſly murdered by villanous Hands, through the acceſſion and contrivance of him whom he had faithfully ſerved, and with the conſent of thoſe to whoſe care, truſt and cuſtody, he was committed. Nay, was it not a great Vindication of the Honour of the Government, and an Eminent Declaration of the juſtice of the Nation, to have the *Lieutenant* of the *Tower*, and four or five meaner Perſons executed, and the Earl of *Somerſet* and his *Counteſs* convicted and condemned for that bloody and barbarous Fact, which the *Coroners Inqueſt* had acquitted and abſolved all the World from the Suſpition as well as the Guilt of: And what an Injury will the *Judges* of the *Kings Bench*, and his Majeſties *Council* at *Law*, be found to have done the King and the Government by their fooliſh as well as wicked Expreſſions, if at any time hereafter it come to be proved (as certainly it will) that the Earl of *Eſſex* did not murder himſelf,

* See *Braddons Tryal. p.* 3. 20. 60.

ſelf, but was aſſaſſinated by a company of hired *Ruffians*. We ſhould be loth in that caſe to claim the tight of their way of Argumentation, and to infer that becauſe my Lord of *Eſſex* was murdered in the *Tower*, and at a time * *when the King was walking there*, that therefore not only the *Government ought to be charged with it, but that the King himſelf had a hand in, and had deſigned it*. Tho' I muſt ſay that according to their method of Reaſoning, it will be impoſſible in that caſe to avoid ſuch a deduction. However it is a convincing proof, that the ignominy and guilt of this Noble-man's death, ought to be aſcribed to others than himſelf, that the Judges and the Men of the long Robe can find no other way to ſtifle the ſuſpicion and ſilence the clamour of the People, but by interpoſing the Government as a skreen to ſhelter Malefactors from Accuſation, and abuſing the Authority of the Kingdom, to deter Men from the Duty which they owe to God and his Majeſty, in diſcovering ſo execrable a Murder. Nor is this the only way and method they have taken to frighten and diſcourage perſons, from diſcourſing of the Earl of *Eſſex*'s being deſtroyed by others, without any acceſſion or contribution of his own to his death, but they have laid their commands and injunctions upon ſuch as they have power and authority over, and whom they thought conſcious either to the manner of that Noble *Peers* fatal End, or capable of detecting any circumſtances which might let in light upon that affair. And therefore knowing that the *Souldiers* who were upon *Duty* in the *Tower* that morning when the Earl of *Eſſex* was killed, had not only taken notice of ſeveral perſons, and made obſervation of divers things, from which both the Murther of that vertuous Lord might be inferred and concluded as well as by whoſe hands it was perpetrated, but that divers of them had talk'd too freely and laviſhly of it abroad as well as among themſelves; accordingly on the *Saturday* morning (being that which immediately ſucceeded to the day of the Earls death) did a Military Officer after *They* and other *Souldiers* were called together, charge them with the higheſt threats and menaces, that they ſhould not dare to ſpeak of what they had ſeen or heard the day before, adding that whoſoever ſhould be known to divulge what had paſſed in the *Tower* on the *Friday* in the forenoon ſhould ſeverely ſuffer for it. This divers of the Souldiers have confeſſed and related to their Friends, who are willing to teſtifie it when occaſion ſerves. And among others, one *Robert Meak* (of whom I ſhall afterwards have occaſion to ſay ſomewhat more) declared the whole of this paſſage to two Men that are ready to ſwear it, whenſoever their Depoſitions may be of advantage to the publick, and can be made without expoſing themſelves to ruin. It will not be de-

Braddons Trial. p. 4. 66.

denied by rational Men; but that the *Souldiers* who were then upon Duty in the Tower, had advantages of knowing more in reference to the Earl of *Essex*'s Death, than most other Persons can pretend unto; seeing that as some were so posted, as both to see all that went into his Lodgings, and to hear the noise and hustle which was made in his Chamber upon his Resistance, and the force and violence which the Miscreants used towards him; so others were placed in that manner, as to observe whence and from whom they came, and whither and to whom they returned, that were employed to commit the Hellish and Tragical Deed. Nor can any suspect, that Men who march under the Ensigns of his Majesty, should forge a Story so much tending to the dishonour of the *Duke* and the Kings *Ministers*, and so likely to displease Persons that had power to cashier and otherwise punish them, as this of my Lord *Essex* not cutting his own Throat, but being assassinated by others, was adapted unto, and would infallibly do. Yea, I do affirm with all the sacredness which becomes a Man and a Christian, in a matter of this weight and importance, that this is no Calumny imposed on the Souldiers and their Commander, in order to traduce the Government and enflame the Kingdom; but that whatsoever is here affirmed, is built upon the greatest Moral Certainty, that an Affair of this nature is capable of. And all I do desire in order to the justifying what I have now related and declared, is only that his Majesty would cause order a *Writ* of *Review*, or *Melius inquirendum* to be issued out, with an assurance of Pardon to such as shall be willing to come in, and be able to testifie by whom, and after what manner this Noble Lord was assassinated and murdered. Nor can his Majesties *Ministers* escape this *Dilemma*, either of lying under the Infamy of being conscious of, and accessory unto the Assassination of that Honourable Person, or of being obliged to obtain a *Review* of this matter, with a promise of *Indemnity* to those who shall appear Witnesses and be able to give Evidence in the case. And I shall take the liberty further to say, that it is not only the *Duty*, but the *Interest* of those very *Ministers*, who may not be directly concerned in the Guilt of my Lord of *Essex* Blood, to promote and second this Overture and Proposal, and that not only for the honour of the Government, but for their own Vindication from being accessory to so enormous and detestable a Crime. For the time may possibly come, that their meer connivance at the concealment of this Murder, may rise in judgment against them, and render them more liable to Punishment, than they seem at present to apprehend. Our Law which expresly requires the least Officers in the Common-wealth, to pursue *Robbers*, *Fellons*, and *Murderers*, with *Hue* and *Cry*, or otherwise makes them obnoxious to Penalties, never intended that *Privy*

Councellors, who by the Duty of their Place, are to watch and adviſe for the Benefit and Safety of the Subject, as well as the Preſervation and Honour of the King, ſhould be eſteemed Innocent, and not be liable to any Puniſhment by Law, tho they be found to connive at the deſtruction of his Majeſties People, and at the involving his Perſon and Government under an indelible Reproach and Infamy. And therefore, tho it cannot be ſuppoſed that thoſe of his Majeſties *Miniſters* who are directly Criminal by contriving and commanding this Murder, ſhould countenance or encourage an Inquiry into, and a Detection of it; yet it may not only be expected, but ought to be claimed of the *Marquis* of *Halliſax*, the *Earl* of *Radnor*, my Lord *Falconbridge*, and ſome others, who have ſtill the priviledge of being in the publick Manage of Affairs, and admitted to ſit in his Majeſties Council; that they would not, both to their own danger and diſhonour, as well as the prejudice of the King in his Reputation and Safety, continue to connive at this execrable and barbarous Murder; but that they would apply themſelves, as becomes the Duty of their Places, and the regard they ought to have for their own Honour, to obtain of his Majeſty what is here deſired, in order to the detection of the Aſſaſſination of my Lord *Eſſex*, and the bringing the Malefactors to undergo that Severity which the Juſtice of the Law ſubjects them unto.

But, as if the preceding *Topick* did not adminiſter ſufficient Evidence, that the E. of *Eſſex* was aſſaſſinated by others; howſoever, his Memory comes to be branded for cutting his own Throat. There is a further Proof ariſeth in confirmation of it from this, That they have not only diſcouraged and frightned ſuch as might be willing to lay open the whole Myſtery of that deviliſh work of Darkneſs, but they have beyond all Law and Preſident perſecuted and oppreſſed thoſe who were either found inclined to inquire into the manner of that Honourable Perſons Death, or to have vented what they had heard, which might give ſuſpition of his being brought to his End, by the treacherous Villany of Bloody Miſcreants: Nor ſhall I here enlarge on the Proceedings againſt Old Mr. *Edwards*, the Cuſtom-Houſe Officer, who, beſides his being ſhamefully upbraided and ſlandered by my *Lord Chief Juſtice* at the Tryal of Mr. *Braddon*, was afterwards turned out of his Place, where he had ſerved for 39 Years; and for no other Crime, but affirming his Boy had ſaid, *He ſaw a bloody Razor thrown out of the E. of* Eſſex's *Window, immediately before the noiſe of his Death.* But that which I ſhall more largely inſiſt upon, is the Courſe and Method that hath been ſteered towards * Mr. *Braddon* himſelf, which as it is without all Preſident, ſo it hath been extravagant and arbitrary in the higheſt degree. All, who underſtand any thing of the

*Braddons Trial p. 11, 12, 13, 14, 15, 16, 17.

the Law of *England*, know that in all *Cases* and *Indictments* of Murder, except upon *Appeals*, the *Charge* and *Accusation* not only runs in the King's Name, but he is according to, and in the sense of the Law, the proper *Plaintiff*. And there is this reason for it, because as others thro' the death of the person destroy'd, may have lost a Relation, Acquaintance, or Friend, so the King always loseth a Subject from whom he was to have Allegiance and Service, and whom by vertue of his Office he was trusted with the care and protection of, and in the sense and esteem of the Law made responsible for. It was upon this account that the Conspirators against the Life, and Authorizers of the Assassination of this late Peer, and to prevent the advantage and benefit which Mr. *Braddon* would have had in bringing an *Indictment of Felony and Murder* against *Bomeny* and others, took the start of him, and caused an *Information* to be preferred against him, *Of Subornation and spreading false Reports, whereby to bring the Government of the King into hatred, disgrace and contempt.* And by this means they did not only obstruct, the King's * being made Plaintiff and Party against the Murderers, which he must have been, in case way had been given to Mr. *Braddons* getting any of them indicted, but they commence an Action against that poor Gentleman, wherein they make the King Party and Plaintiff against him, and in effect no less than Advocate and Voucher for the innocency of those that were to have been Indicted for a most execrable and barbarous Assassination. Which as it was a most deviliſh Artifice, for the oppressing an honest Gentleman, who had done nothing but what he was bound unto, in conscience to God, and Duty to his Majesty; so it was a most villanous and enormous Crime against the King, thro' making him to be the Skreen and Patron of those of whom he should have been the Prosecuter and Punisher, and at the same time to be the pursuer and ruiner of a worthy Person, whom he was bound to have countenanced, encouraged, and protected. It would fill a whole Volume to relate the Severities which Mr. *Braddon* hath encountred, and upon no other score, but because he was willing in order to delivering the Throne and Kingdom from the guilt of innocent Blood, to gather up such Informations as might have served to convince the King of the Murder committed upon the Earl of *Essex* while he was in a special manner under the protection of his Majesty and the Law, being not only a prisoner, but standing committed to the *Tower* of *London*, where with respect to the Quality of the place, Captives ought to be supposed more safe from violence than in other Prisons. But as it is not a season to present the World with a History of the Sufferings of this honest and ingenious Gentleman; so it were but to entangle and perplex the affair I am upon, to inter-

* *Braddons* Tryal, p. 1, 2.

interweave it with a large Narrative of another Mans Troubles, tho they all ſprung from his being concerned in enquiring and diſcovering, how and by what hands and means this Nobleman was brought to ſo fatal and untimely an End. I ſhall therefore only briefly intimate ſome few things, which may ſerve to enlighten and confirm the Topick and Head which I am now diſcourſing from: And whatſoever proves the ill treatment of thoſe, who keeping themſelves within the bounds of Loyalty and Modeſty, have endeavoured to detect the Aſſaſſination of that Honourable Perſon, does by conſequence demonſtrate that he was not *Felo de ſe*, but that he was Murder'd by the Malice and Violence of other Men. The firſt unexpected entertainment which this Gentleman Mr. *Braddon* met with, was his being taken into Cuſtody, and carried before the Council, on his having gone to *White-hall* to wait upon the Secretary of State my Lord *Sunderland*, in order to inform his Lordſhip what a certain Boy (whom he took thither along with him) had reported concerning a Razor, which he ſaw thrown out of the Earl of *Eſſex* Window, immediately before the noiſe and report of his Death. And not to mention what other Treatment he met with there, which ſome of the Honourable Members of that Board themſelves, have declared to have been very unbecoming his Majeſties preſence, and no ways agreeable to the Gravity, Wiſdom, and Honour of ſuch an Aſſembly, he was required to give 2000 *l.* Bail to anſwer an Information for having ſuborned the Boy, a thing very unſuitable to the ſervice he had been performing for the Honour of his Majeſty and the Government, and very ſurprizing to all indifferent perſons that heard of it. And tho' this poor Gentleman was diſcharged at that time, and reſtored to his liberty, upon giving the fore-mentioned 2000 *l.* Bail to anſwer the ſaid Information; yet his troubles did not end and terminate here, but this was rather only a commencement and beginning of the hardſhips and oppreſſions which he was to meet with, for having had the honeſty and courage to appear in a buſineſs which ſo neerly affected the Duke of *York* and ſo many of his Majeſties principal Miniſters of State. For tho' they had laid him under a neceſſity of making all the proviſion he could, for vindicating himſelf from being the Author and Forger of that Report, concerning a Razors being thrown out of the Earl of *Eſſex*'s Window juſt before the cry and noiſe of his death, being that which gave the firſt ſuſpicion of my Lord's being Murdered by violent, treacherous, and bloody hands, and that he did not deſtroy himſelf, as was endeavoured to be obtruded and impoſed upon his Memory and the Faith of the Nation; yet Mr. *Braddon* was no ſooner gone into the Country, to enquire into the truth of another Story which very much ſtrengthened and confirmed the ſuſpicion and jealouſie that my

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Lord was not *Felo de se*; but this poor Gentleman fell into new troubles, and found perſecution and oppreſſion awaiting him whitherſoever he went. For having received intelligence from a Friend, that on the very day on which the *Earl* died, it was reported at *Marleborough* that my Lord of *Eſſex* had cut his Throat in the *Tower*; he judged it very uſeful and ſubſervient both to the acquitting himſelf from the Slander of being the firſt Author of the Report that my Lord was Murdered by others, and alſo to the evidencing and clearing up that he really was ſo, to ſearch into the truth of that Information which his Friend had given him, and to learn out the perſons to whom that News had been told, and know, if poſſible, the names of thoſe who had related it. But while he was going in the ſearch and purſuit of this, which his being obliged under the penalty of 2000 *l.* to anſwer an Information of Subornation, had made an Act of Juſtice to himſelf as well as a Duty to God and his Country; behold the poor Gentleman was apprehended and committed to *Fiſherton* Goal in *Wiltſhire*, by a Warrant the moſt illegal for the Form as well as the Matter that ever any man was ſent to priſon upon. For what could be more extravagant and illegal than to ſeize and commit a Gentleman traveling peaceably on the Road, without an Oath or Depoſition of any Witneſs againſt him, meerly upon a groundleſs and naked ſuſpition of being a dangerous and ill affected perſon to the Government, and for having two Informations about him relating to a *Razors* being thrown out of my Lord *Eſſex*'s Window before the news of his Death was divulged, and for carrying two Letters, whereof the contents of one he knew not, and the contents of the other could adminiſter no juſt offence. But the form of the Warrant was more extravagant, arbitrary, and illegal than the matter, carrying in expreſs words this order and command to the *Goaler*, namely, *That he ſhould* Lawrence Braddon *ſafely keep, till he ſhould receive further Order from the King and Privy Council.* Which Warrant, had the Goaler been as mad and fooliſh to obey, as the officious and doting Juſtice was to write, the poor Gentleman for any foundation of relief that was left him in the *Mittimus*, might have lain in Priſon all the days of his life, unleſs the King and Council ſhould have ordered his Releaſe and Diſcharge. But Mr. *Braddon* knowing both his own integrity as to the buſineſs he was going upon, and his innocency as to any crime the malice of his Enemies could charge him with, ſued out a *Habeas Corpus* to be brought to *London* before ſome of the Judges in order to be Bailed. But alas! being arrived there, none of the Judges of either Bench, nor Barons of the *Exchequer* were in Town, ſo that he was neceſſitated to deſire the Goaler to carry him before my *Lord Keeper*, which the Goaler having accordingly done, his

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Lordſhip inſtead of admitting the priſoner immediately into his preſence, and allowing him the benefit of the *Statute*, was pleaſed to adjourn the ſeeing him till the next day, with a command that he ſhould be then brought to the Council Chamber at *Whitehall*. Whither being, in obedience to the ſaid Order carried, he was after an hours waiting called in before my Lord, and found together with him, my Lord *Privy Seal*, my Lord Duke of *Ormond*, and Mr. *Secretary Jenkins*. It would be both to enlarge theſe Papers beyond the bounds allowed to them, and to depart too far from the eſſential part of the Subject I am upon, to relate the whole entertainment, which I have been told Mr. *Braddon* did there meet with. Only it may not be amiſs to remind my *Lord Keeper* of a Verſe that he quoted out of *Juvenal*, and to ſub-joyn the Tranſlation of it into Engliſh, as a certain Author hath rendred it. For having upbraided the poor Gentleman as one that had a deſign to raiſe and advance himſelf by ſiniſtrous courſes (which God knows the endeavouring to detect the Earl of *Eſſex* Murder, was not, as the preſent poſture of Affairs ſtands, a very likely method unto) he quoted that of the Poet, to give an edg to his *Irony* and *Sarcaſm*,

Aude aliquid brevibus Gyaru, & carcere dignum,
Si vis eſſe aliquis ——
Dare once but be a Rogue upon Record,
And you may quickly hope to be a Lord.

But his bitter and contemptuous Language, with all his other ungentiel as well as illegal Treatment, might have eaſily been diſpenſed with, had not his Lordſhip refuſed him the benefit of the *Statute*, of being admitted to be Bailed, unleſs he would procure Sureties, who together with himſelf might ſtand bound in 12000 *l.* for appearance. A thing ſo exorbitant, conſidering the quality of the Priſoner, as well as unjuſt, conſidering the nature of that which they ſtiled his Offence, that he had both acted unwiſely, ſhould he have engaged himſelf and Friends in Bonds ſo much above what he was able to diſcharge, and injuriouſly to others, ſhould he have condeſcended to ſo illegal a demand, and which might afterwards be improved into a *Preſident*. Whereupon finding, after divers Applications, that his *Lordſhip* was not to be wrought to a mitigation of the 12000 *l.* and that he would not be prevailed on to take the 6000 *l.* Bail, which was offered, the Gentleman rather than be remitted again to Priſon in the Countrey, was forced to comply to ſtand committed to the *Meſſenger* Mr. *Atterbury's*, where he continued for *five weeks* at the charges and rate of 4 *l.* 1 *s.* 8 *d.*

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per Week, During which time he applied himself by way of Petition to his *Majesty* in *Council*, but alas, without that success which he hop'd for, which most men are apt to ascribe to the *King*'s being prepossessed by my Lord *Keeper* concerning his case, so that despairing both of all *Justice* from my Lord *Keeper*, and of all *Favour* from the *Council Board*, and groaning as well under a close Confinement, as the excessive Charges he was at in the *Messengers* House; he judged it the best method he could take, to endeavour the getting himself turned over to the *Kings Bench* Prison in *Southwark*, reckoning that he should not only live there at a more moderate Expence (which the narrowness of his Fortune obliged him to consult) than was extorted from him at Mr. *Utterbaries*, but likewise expecting, that upon giving security for his true Imprisonment, he should have the liberty of the *Rules*, and thereby enjoy a more open and free Air, than he did in the place where he was before. But as it was with some difficulty, and after earnest application as well to my *Lord Keeper*, as to my *Lord Chief Justice*, and the *Attorney General*, that this small kindness was obtained; so after his removal to the *King*'s *Bench*, by Vertue of a *Habeas Corpus* from my *Lord Chief Justice*, and after this, having given 10000 *l.* Security for his faithful and true Imprisonment, yet he was by an Order from my Lord *Chief Justice* to the *Marshal* of the said Prison for his close Confinement, denied the freedom of the *Rules* which he had not only promised himself, as a thing that was in course allowed, but what the Keeper of the Prison had consented unto, and without the granting whereof, he could not according to Law demand Bail and Security for his true Imprisonment. Yea, so Arbitrary and Illegal were they in all their Actings against this poor Gentleman Mr. *Braddon*, that notwithstanding his Imprisonment, yet they refused to discharge him from the 2000 *l.* Bail, which he had given at his first Appearance before the *Council* to answer an *Information* of pretended *Subornation*; and also notwithstanding his close Confinement, they with-held from him, and positively denied to give up the 10000 *l.* Bonds, which *he* and his *Sureties* had entred into for his being a *true Prisoner*, nor would they so much as restore him the Fees he had paid upon the sealing of them. And it being now the long *Vacation*, and there remaining no way of helping and relieving himself till the *Term*, he was forced both to continue a close Prisoner under no less expence than 2 *l. Sterl. per* Week, and to lie under the weight and terror of the 12000 *l.* Bail, which they had wrested from him. But tho' he was denied the succour and benefit of the Law, and found neither Justice nor Mercy in Men: yet he could not be rob'd of the Comforts of a good Conscience, nor deprived of the refreshments and supports which the knowledge of his own Integrity

and innocency administred unto him. And I have been fully informed by credible hands, that neither the troubles and oppressions which he lay then under, nor the further persecutions and sufferings he was in prospect of, were able to give him any discomposure, or create him any vexatious grief in himself, nor yet to transport him to a behaviour in word or deed that could furnish his Enemies with an advantage against, or yield them matter of insulting over him. In this state and condition he continued till *Michaelmas Term*, which being come, and the *Westminster* Courts begun to sit, he caused move the Court of *King's Bench* the very first day for a *Rule* to the *Marshal* to bring him up the next Morning, in order to discharge the Bail he had given by appointment of the *Council Board* about the answering an Information of pretended *Subornation*. Which Rule being granted by the *Court*, and obeyed by the *Marshal*, his Appearance was recorded, and his Bail discharged. Now having succeeded in this which my Lord *Keeper* had refused in the time of the *Vacation* to grant him, the next stept he took was for the obtaining his own Liberty; in order to which, he did on the Fifth day of the Term move the Court for a *Habeas Corpus* to be brought up and Bailed. Which being also immediately granted, he was after a few days, and a little delay, which I shall not complain of the occasion of, brought up to the Court of the *Kings Bench*, and there discharged from his Imprisonment upon the giving 3000 *l.* Bail, whereof himself stood bound in a Bond of a 1000 *l.* and his four *Sureties* in 500 *l.* a Man. From all which we may not only collect the hardships and oppressions which this honest and worthy Gentleman met with, meerly for enquiring into the Truth of some Reports, which if admitted, do clearly prove that the Earl of *Essex* was Assassinated by others, and did not Murder himself, but we may also observe and infer after what an arbitrary and illegal Manner, His Majesties Subjects are treated by some of his judicial Officers, as well as Prime Ministers, for attempting to discover a most execrable and barbarous Murder, wherein the *Duke* of *York* and the chief Heads of the Popish Faction would have been found deeply concerned and involved. Nor did Mr. *Braddons* troubles upon this account issue here, all these things being only *preludiums* to what he was further to encounter from the rage and malice of St. *James's*, and therefore the next Scene that opened, was the bringing him to a Tryal for endeavouring in the Earl of *Essex's* Death, to cast Aspersions upon the Government, and Defame the King. And all I would desire of any unprejudiced and impartial Person is only to read the said Tryal, being fully confident that he will thereupon not only acquit the Gentleman from the guilt of any such thing, but that he will find himself obliged in conscience

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to acknowledge that there was barbarous Villany used in bringing my Lord of *Essex* to that fatal and untimely End. And the first thing remarkable as an Introduction to that Tryal, is, that my Lord *Chief Justice* was not only that morning for some time at *Whitehall* before he went to *Westminster*, but was attended upon by Lord *Feversham* (whom we have reason to accuse of being one of the Contrivers and Authorizers of the Earl of *Essex* Murder) at the lighting out of his Coach in *Westminster*, and discoursed with both as he was conducted thro' the Hall, and in a corner near unto the Court, before his Lordship ascended to the Bench. Which hath given many men ground to suspect, that his business at the first place was to receive such Instructions as he was to follow and attend unto in the work of the day, and that the reason of the others accosting and discoursing him where he did, was to Impress him with a fresh sense of the business that was to be before him, and to represent the dreadful consequences which would ensue to the *Duke* of *York* and his Majesties *Ministers*, in case Mr. *Braddon* should come to be acquitted. And whosoever did either observe the behaviour of the Bench at that time, or hath since read the Tryal (where tho' what was said on all sides may be related, yet the Gesture, Countenance, Passion, Heat and Air with which many things were spoken, cannot be represented) must be forced to acknowledge, that my Lord Chief Justice and his Brethren, were rather sworn parties against the Defendent, than equal Judges in a cause betwixt the King and him. I should be obliged to transcribe most of the Tryal, did I undertake to give an account of the ungentiel, slanderous, and malicious Language vented against himself; or the interrupting, menacing, and hectoring of his Councel, or the imposing upon, prescribing unto, as well as biassing the Jury against him; and therefore instead of that, I entreat and desire the World to do both themselves and Mr. *Braddon* that right as to peruse the Tryal, and if in their Hearts they subscribe not to what I say, I am contented to undergo the character both of a person that understands nothing of the Rules and Measures which ought to be observed in Courts of Judicature, and of one who is not sufficiently regardful of his Credit and Fame in the things which he delivers. And if I be not wonderfully mistaken, there is nothing more needful, but an impartial reading and weighing of that Tryal, for the Vindication of Mr. *Braddons* enquiring into the Reports which seem'd to imply that the Earl of *Essex* had not killed himself, nor to justifie his innocency as to the crime whereof he was accused, namely * *Of maliciously conspiring and endeavouring to defame the Government*, and as Justice *Withins* was pleased to express it, *Of charging the King*

* *Braddons* Tryal, p. 2. 70.

with taking away an innocent Mans Blood, and of Murdering an Innocent Man, and as it was laid in the Indictment, *Of his procuring and ſuborning falſe Witneſſes to prove that the Earl of* Eſſex *was not a Felon of himſelf, but was killed and, murdered by unknown perſons.* For admit that all which was Sworn concerning a *bloody Razors* being thrown out of my Lord *Eſſex*'s Window immediately before the news of his Death, and that all which was Depoſed concerning a Report in City and Countrey about *his having cut his Throat before it was done*, were falſe, and only invented by the Informers; yet as it is evident by the Oaths and Depoſitions of the Witneſſes, that Mr. *Braddon* was not the Forger of theſe things, ſo it is demonſtrable that they were in their nature of that weight and importance, upon which a wiſe as well as an honeſt Man, might ſuſpect that my Lord had not murdered himſelf, but was deſtroyed by others. Nor could the Gentleman have ever been found guilty, but by means of Mercenary *Judges*, and an over-aw'd as well as a pick'd and prejudiced *Jury*, who will boggle at nothing, tho' never ſo unjuſt, that may but gratifie the *great Man* at St. *James*'s, and oblige his Majeſties *Miniſters* of State. And the reaſon, as I have ſaid before, upon which Mr. *Braddon* came to be Convicted and found Guilty, was plainly to skreen the Duke of *York* and ſome other perſons from coming to be involved in the guilt of that Noble Mans Death, and to keep up the belief of a Proteſtant Plot, * *which* (as Juſtice *Withins* phraſeth it) was likely otherwiſe *to loſe its credit, and to be eſteemed a ſham Plot for the taking away innocent Proteſtants Lives.* Nor was the whole Tryal againſt this worthy and vertuous perſon, more extravagant, arbitrary, and illegal, than the *Sentence* againſt him, upon the Juries finding him Convict of the *Indictment*, was unjuſt and ſevere. For beſides the condemning him in a Fine of 2000 *l.* which is more than his whole viſible Eſtate amounts unto, and expreſly contrary to the Law of the Land, which requires that no Man ſhall be *Fined* but with a *Salvo contenemento*, i. e. the leaving him as much as may ſupport him in ſome degree anſwerable to his quality, they have over and above ordered his finding *Sureties for good Behaviour during life*, which as I queſtion whether it be lawful by the ancient and *Common Law* (tho' it hath been ſometimes practiced) any more than it is to condemn a perſon to perpetual Impriſonment, ſo I am ſure there is no Preſident to be found for the like, in a matter that was not of a more criminal and heinous Nature. But all ſerves to prove, that whoſoever hath the courage or honeſty to ravel into the Earl of *Eſſex* Death are to be perſecuted, oppreſs'd and ruined, and by conſequence ſerves to demonſtrate, that there is a villanous myſtery in the manner of his coming

* *Braddon*'s Tryal *p.* 2. 70.

ing to that fatal End, which they are afraid to have ſearched out and detected.

And as if it were not enough in the judgment of all rational men, to acquit and vindicate the Earl of *Eſſex* from the guilt and infamy of having deſtroy'd himſelf, that thoſe have been proſecuted with the utmoſt Severity, and oppreſſed in their Eſtates and Liberties, who with all imaginable modeſty towards the Government, were willing to enquire into the manner of his Death, and to declare their juſt Suſpitions, with the grounds of them, to Perſons truſted with the Adminiſtration of Affairs, that he did not murder himſelf, but was aſſaſſinated by others: Behold, that as one Crime is not to be concealed but by the perpetration of more, ſo the Conſpirators and Authorizers of that Noble Mans Death, have proceeded to the murdering ſeveral other Men, who as they had a perfect knowledge and comprehenſion both of the manner of the Fact, the villanous bloody Agents who were immediatly inſtrumental to commit it, and the Perſons who employed, rewarded and encouraged them, ſo they had been guilty of what ſome will call Indiſcretion, to communicate to others what they had ſeen and obſerved, and too fully underſtood themſelves. Amongſt others who partly ſaw, heard and obſerved themſelves, and partly learned from others ſeveral circumſtances relating to the matter of my Lords Death; there was one *Meak*, a common Sentinel, who had ſtood on Duty all that morning, near unto the Place and Houſe where the Earl of *Eſſex* was confined. For whereas, on other days the Sentinels uſed to ſtand but two Hours at a time on Duty; there was care taken that morning, that thoſe who were on Duty when the *King* and *Duke* came into the Tower, which was about ſix of the Clock, ſhould not be changed till both after the time of the Earl of *Eſſex*'s Death, which was about 9, and till after the *King* and *Dukes* departure from thence, which was about half an hour after. And the reaſon of this is obvious, namely, that though it was impoſſible to keep all Perſons from ſeeing who walkt to and fro, and what was tranſacting, yet they reſolved to preſerve it in as narrow a compaſs as they could, and to admit as few to an opportunity of obſerving Perſons and Things as might be. Whence it came to paſs, that thoſe Souldiers who entred upon Duty at Four, and ſhould according to courſe have been relieved at Six, were ſuffered and obliged to ſtay on till Ten. Now this *Meak* having an advantage from the poſt he was in, of obſerving the ſeveral Perſons that went that morning to my Lord *Eſſex*'s Lodgings; and having partly himſelf ſeen, and partly learned from others, divers material Particulars relating to the manner of the Aſſaſſination of that Noble Perſon, it will be eaſily acknowledged, that he was as

capable

capable as any to detect it, or at least of letting those who should have the honesty, courage and zeal to enquire after my Lords Death, so far into it, as to be able to unravel that whole Villany, and to trace it not only to the Instruments, but to the Original Authors and Contrivers. This poor Fellow both abhorring in himself what he had seen, and conceiving the greatest detestation imaginable, against all the Villains who had been accessory to it, was neither able to conceal his knowledge of what he had seen, nor his resentments of so horrid a Fact, but at the same time had not the prudence to distinguish betwixt Persons, who without damage to the Author, might be entrusted with so important a Secret; and those who at first would seem forward enough to hear it, but would withal make their advantage by revealing it to such as would reward them and destroy him. Whence it unhappily came to pass, that this poor foolish man, not only related it to such as were honest and faithful to him, and who will be ready in due time to testifie the whole of what he acquainted them with, but to others who conveyed it to St. *James's* as a piece of important Intelligence, and of wonderful consequence to his Royal Highness. And tho it be not yet seasonable to recount the several Particulars relating to that barbarous Murder which he declared upon his own knowledge as well as the confirmation of others; yet I may take the liberty to digest and branch them into their several Heads, and to let the World know that some of them were such as preceded his death; others accompanied it, and one or two came after it. Wherefore that he might tell no more Stories, nor rise up as a Witness against the Assassinates, this poor unfortunate Fellow was secretly murdered and thrown into the Tower-Ditch. And there are several Particulars relating to his Death, which are not unworthy to be known to the World, but it were to advantage the Conspirators, and to prejudice our selves to mention them at present. Only this is remarkable, that as this *Robert Meak* was for some time before his Death, very apprehensive of the danger he went in of being privately destroyed for what he had declared concerning the E. of *Essex*'s being murder'd, so he had a greater dread of it the morning before he was killed, than he had been possessed with at any other time. And therefore from that alarm which his mind suggested to him of his impendent danger, he begged of an Acquaintance and Friend that morning before he died, that he would have accompanied, and kept with him for that day. But such was the poor Fellows Fate, that tho he told that Person the apprehensions he was in of being murdered, and he from a sense and belief of it, had left his work with a resolution to attend him; yet whether from a jealousie he might have of his own Safety, or upon what other motive I shall not enquire, he stole away from

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and forsook him before twelve of the Clock. But tho' the Conspirators and Assassinates had thus by a second Murder delivered themselves from the apprehensions they were in of being detected for the first; yet there arose another Person, who as he had better opportunity of knowing the whole Mystery of my Lord of *Essex*'s Death than *Meak* the Sentinel had; so from remorse of Conscience for what he had been accessory unto, and from an abhorrency of that bloody Fact which he so well knew the Authors and Perpetrators of, he begun to discourse and communicate it with shame and loathing to others. The Person whom I mean was *Mr. Hawley*, a Warder of the Tower, who lived in *Winchester-street*, being a Person both for Reputation and Estate, far above that *Hawley*, in whose House the Earl of *Essex* was Prisoner when his Throat was cut, and therefore one without whose knowledg, consent and contribution, it cannot be supposed to have been done. And by how much he was not only more capable than others to detect the whole villany of that Noble Mans Death, and lay open the enormous Crime in all the Parts and Branches of it, but was of better Credit than the Sentinel, and more likely to obtain Belief from the World in what he should declare, by so much was he to be esteemed for a most dangerous Person to the Conspirators, and to be treated as one from whom they might dread the most fatal Mischief to themselves as well as their cause. Hence the Intelligence was no sooner conveyed to the Duke of *York* and the rest of the *Junto*, that *Hawley* had been talking such things concerning the Earl of *Essex*'s Death, which it concerned them no less than both their Lives and Honors to have concealed; but they resolv'd to destroy him, and thereby prevent his prating for the future, and being able to tell any Tales. And being informed that he was inquiring where he might purchase an Estate, they employ one to tempt him out of Town, under pretence of his seeing a parcel of Land that was to be sold. For they thought that should they cause murder him in or about the City, it would fill all men with jealousies of their being guilty of his Death, especially considering the Reports which went of them, and the Suspitions that they lay under of having caused *Meak* to be killed. And therefore in order to the getting him destroyed with the more Secrecy, and the administring the less apprehension about the Authors of his Death, they prevailed on him by the Bait and Temptation which I have mentioned to take a Journey into the Country. Whence having resolved that he should never return, they employ'd some to dogg, and others to way-lay and murder him. And with that Secrecy as well as Obedience, were their Orders and Decrees executed, that it was a considerable while after his Death before he could be heard of, or his Body found. But when after long search and enquiry after him, his Corps were at last found, there were all the Marks and Symptoms of a most barbarous Assassina-

ſaſſination perpetrated upon him, which malicious Wit could invent, or enraged Jealouſie and Revenge act or commit. For beſides divers contuſions in the Head, Face and Breaſt, from the Blows he had received, it appeared plainly, that he had been alſo ſtrangled. And as he had never adminiſtred cauſe to any other Perſons, ſave the Conſpirators and Inſtruments of the Earl of *Eſſex*'s Death, upon which we can with the leaſt Shadow of Reaſon, fancy his being murdered upon a perſonal and private Revenge; ſo there are Proofs ready to be produced, whenſoever either a Parliament comes, or a fair Trial can be obtained before upright and impartial Judges, not only by whom he was deſtroyed, but by whoſe Command and Authority. Nor was his Wife unſenſible and without apprehenſion, even before the Body was diſcovered, both that he might be murdered, and upon what motives and inducements it was done, ſo that ſhe told ſome Friends how ſhe dreaded the conſequences and effects of his having ſo often diſcourſed about the Earl of *Eſſex*'s Death. Yea, there is one *Glover* who is a Servant to his Majeſty, being at preſent a *Warder* in the Tower, who being in conference with ſome People about the Earl of *Eſſex* and Mr. *Braddon*, was pleaſed with more than an ordinary emotion to ſay, *Hawley alſo hath been prating, but he was fain to walk for it.* But the ſame Perſon being asked, after it was known that he had been murdered, what he thought of Mr. *Hawley's* walking, appeared exceedingly diſturb'd, and ſaid, He knew nothing of it, nor would he have the patience to hear any thing ſpoken about that matter. So that we have here another Evidence, that the Earl of *Eſſex* did not, as he hath been defamed and ſlander'd, cut his own Throat; but that this Perſon of incomparable Merit and Virtue, was maſſacred by wicked and ſuborned Ruffians: Seeing to prevent the diſcovery of that heinous and execrable Fact, two other men who had advantages of knowing both the Actors in, and manner of his Death, and had talk'd ſomewhat freely about it, and ſeem'd inclinable to reveal it, were barbarouſly killed.

And as the deſtroying as well as oppreſſing thoſe from whom the World might receive light about the murder of that Noble Peer, plainly ſhews by whoſe Councils and by what Means he came to his fatal End; ſo the countenancing, protecting, and preferring thoſe who are juſtly ſuſpected to have been deeply inſtrumental in it, and who long e're this would have been publickly indicted for it, (had it not been partly for the diſcouragement given by the Court, his Majeſties Miniſters of State and Officers of Juſtice, and partly not to expoſe men to that hazard which they muſt neceſſarily run by engaging in this Affair,) affords us a new proof of my Lords Innocency from being *Felo deſe*; and that the infamy and guilt of his Death ought to

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be devolved upon others. There are cases wherein suspicion of guilt may so wait on some Men, that others tho' never so well perswaded of their Innocency, cannot without forfeiture of Discretion, and becoming Sharers in the Reproach and Dishonour which attends them, give them either the least Countenance, or yield them any Testimonies of Favour and Kindness, till they have vindicated and acquitted themselves from that whereof they are Suspected, and which common Fame accuseth them of. And as all persons pretending to Wisdom, or who are regardful of their Reputation, will account themselves obliged to act under the Conduct and Guidance of this Rule and Principle; so of all Men, those in Authority are most concerned not to take upon them the sheltering of those that are aspersed with infamous Crimes, nor to Countenance and advance such whom the cry of a Kingdom chargeth with a barbarous, enormous, and execrable Fact. But to that impudence in Villany as well as contempt of Honour and Credit are the *Duke* of *York* and the Gentlemen of the Popish Juncto and Cabal arrived; that they not only cause secretly Murder such as would discover a great and hainous Offence against God and Mankind, but they dare openly and in the face of the Sun, both protect and prefer the Chief Miscreant and Ruffian whom all sober and impartial persons have in suspicion for it. It must necessarily be acknowledged, that in case my Lord was Assassinated by violent and bloody hands, his *Valet de Chambre Bomeny* the only Servant who attended him in the *Tower*, save a Footman, must be acquainted with it, and accessary to it. And so many, as well as weighty, were the Arguments of his being guilty of his Earl and Masters Death, that he was justly suspected for it, both by the rest of my Lords Servants and all the thinking impartial people about the Town. And tho' I shall have occasion hereafter to mention divers particulars, and recount several Circumstances, which not only serve to lay him under a Suspicion, but to Convict him of being accessary to the death of his Lord, yet I care not if I relate one at present, namely, the apprehension he was in, and the trouble he expressed to one of the Lady *Essex*'s Gentlewomen, upon a Report which he had heard that my Lords Murder was to come under a second Examination, and that the Body was to be taken up, in order to a review. Nor was the Countess her self for all the impressions which some great Men had endeavoured to possess her with, of my Lords cutting his own Throat, without strong apprehensions to the contrary, nor void of Jealousie of this French Fellows being guilty of her Husbands Death, which made her discharge him her service and dismiss him out of the Family. And as no Gentlemen in *England* would have after this done so foolish a thing, or so unworthy of himself, as to cherish and entertain

ſuch a Raſcal, ſo it leaſt of all became the Honour of the Court, unleſs there were a further Myſtery in it than the World is aware of, to take him both into their Protection, and to advance him to an Employ and Place. Let us therefore a little obſerve and recount what favours this Raſcal, under all the ſuſpition and infamy of being acceſſary to his Lord's Death, hath met with, both from his Majeſty's Miniſters of Juſtice, and from the principal Perſons at Court, and chiefeſt Officers of State. Can it be leſs than a Reflection both upon the Honour of the Government, and an inſinuation that Great Men were concern'd in that horrid Fact whereof *Bomeny* is ſo juſtly ſuſpected, that my *Lord Chief Juſtice* at Mr. *Braddon*'s *Trial*, after he had been affronting, interrupting and hectoring all the Witneſſes for the Defendent, ſteps in, not only to aſſiſt and rectifie *Bomeny* in his Depoſition, guiding him to ſay a *Razor* when the Rogue had ſaid a *Penknife*, but durſt repreſent the Villain under the Character of * *one whoſe Integrity and Fidelity to my Lord was confirmed by ſix years experience of his Service, and that he was not an upſtart and wandring Fellow?* Yea, the eſteem that this Ruffian was in with our Grandees, and which by conſequence proves that there is a Myſtery in the manner of the Earl of *Eſſex*'s Death, which is not yet fully diſcover'd, ſeeing theſe who are deſervedly ſuſpected to have been acceſſary to it, are favoured and befriended by them, may be further enlightned and confirmed from the correſpondence which *Bomeny* had with the Secretary of State, when he lay concealed from others, and the readineſs he expreſſed to converſe with any that pretended to enquire for him in Sir *Lionel Jenkins*'s Name, when he was deny'd to every body beſides: For a certain perſon having occaſion to call at his Lodging, in order to *ſubpœna* him to Mr. *Braddon*'s Trial, and being poſitively told that there was no ſuch man there, took the boldneſs to ſay he came from Sir *Lionel*, upon which *Bomeny* immediately appeared, and he who was ſaid not to be there before, ſtept forth with all imaginable readineſs, to receive the *Secretary*'s Meſſenger, and to know what his Honour's pleaſure was. And if theſe two paſſages which I have related be not enough to evidence the kindneſs which his Majeſty's Miniſters had for this little and infamous Creature, I ſhall ſubjoyn a third, importing the care which the Greateſt about the Court took of him, and the Reſpect they ſhew him: For when he ſeem'd to be abandon'd by all others, and knew not where to be admitted into a Service, by reaſon of the ſuſpition he lay under of being either an Inſtrument that murder'd his Lord, or who had conſented to the doing of it, behold the Duke of *York*, and the Officers of His Majeſty's Forces, embrace him under all that Ignominy and Reproach, and liſt him

* *Braddon's Trial*, p. 55, 61.

him to ride in one of the Troops of Guards. Nor is it possible for any man, without renouncing his Reason, to imagin that the Duke of *York*, as well as divers other persons of Figure and Quality, should expose themselves to the Censure of the World, in entertaining a Fellow judg'd guilty of so enormous and abominable a Crime, unless they themselves had been accessary some way or other to that execrable Wickedness, and except they judged the Rascal to have merited by the Fact.

But, to put it beyond all possibility of any rational Contradiction that the Earl of *Essex* did not *cut* his own *Throat*, but that he was massacred by others; I shall demonstrate the impossibility of it, as the manner of his Death is represented in the *Coroners Inquisition*, and declared in the *Depositions* of the *Chyrurgeons* who view'd the Body, and search'd and examin'd the fatal Wound. And where there is a natural impossibility that a thing should be so or so done, all the Informations of the World to the contrary serve to no other end but to declare the Perjury of the Informers. A matter that is naturally impractible ought not to be credited, tho' never so many should have the impudence to swear they saw it done. But as the rage of the *Conspirators* and *Assassinates* transported and hurry'd them to commit the barbarous Fact in such a manner, that all who have not abjur'd common sense as well as reason, must acknowledge, that it was not practicable in that way and manner, or a thing that could be done by the Earl of *Essex* himself; so their malice corrupted and blinded their judgments to that measure and degree, that the *Instrument* which they have chosen and pitch'd upon as the *Tool*, *Weapon*, & Mean by which it was done, renders the doing it by my Lord impossible in it self, and unworthy to be believ'd, except by the grossest of Fools, or the worst of Knaves, who never consider how far a matter either is or can be true, but only what may conduce to their Profit, or gratifie their malice, to take up and admit. And how conspicuous is the Wisdom as well as Righteousness of God, in infatuating villanous Men, so to accomplish and perpetrate their Villanies, as that their Folly shall detect their Guilt, and the Marks and Characters of Stupidity as well as Rage left upon the Fact shall reveal the Authors of it, let them do all they can to transfer and abdicate it from themselves, and to charge and fasten it upon others! Now the *Coroners Inquest* in their *Inquisition* made the 14th of *July*, 1683. concerning the Earl of *Essex*'s Death, do upon their Oaths, from the Depositions of such Witnesses as they thought fit to examine, give us this account of the way and manner of it: *That the Earl of* Essex *being the 13th day of* July *alone in his Chamber, did with a Razor voluntarily and feloniously cut his Throat, giving unto himself one mortal Wound, cut from one*

jugular to the other, and by the Aſpera Arteria, *and the Wind-pipe to the* Vertebres *of the Neck, both the Jugulars being throughly divided; of which ſaid mortal Wound, the ſaid Earl of* Eſſex *inſtantly died.* And to this Account ſo far as relates to the Nature of the Wound, do the Informations upon Oath of *Robert Sherwood* and *Robert Andrews*, two Chyrurgions, called to view the Body of the ſaid Earl fully agree. For *Robert Sherwood* ſwears, *that having viewed the Throat of the Earl of* Eſſex, *he finds that there is a large wound, and that the* Aſpera Arteria *or Wind-pipe, and the Gullet with the jugular* Arteries, *are all divided.* And *Robert Andrews* depoſeth to the ſame purpoſe, namely, *That having viewed the Throat of the Lord of* Eſſex, *he found that it was cut from one jugular to the other, and through the Wind-pipe and Gullet into the* Vertebres *of the Neck, both jugular Veins being alſo quite divided.* And as the firſt thing obſervable in the Coroners Inqueſt about my Lords Death, is, that his Throat was cut with a Razor, ſo it is needful the World ſhould know that the Razor which *Bomeny* in his Depoſition before the ſaid Inqueſt, ſwears to be the ſame wherewith he gave himſelf the fatal and mortal Wound, was a ſmall *French* Razor of about four Inches and a half long at moſt, without any Spill or Tongue at the end of the Blade, as all Razors of the *Engliſh* Form and Faſhion have; ſo that the Razor being of that Make, Proportion, and Extent, it is as evident as any demonſtrated Problem in *Euclid*, that it could not be uſed but upon holding it by the Blade, and that in order to the holding it with ſtrength and ſteddineſs requiſite to the making ſuch a Wound, the Fingers and Hand muſt graſp and faſten upon no leſs than two Inches of it. The ſecond thing remarkable from the Inquiſition of the Coroner, and the Depoſitions of the Chyrurgions, refers to the extent and dimenſion of this deplorable and deadly Wound. Which as they all acknowledge to have reached from *Jugular* to *Jugular* in length, and to the *Vertebræ* of the Neck in depth; ſo a certain Gentleman who ſaw the Wound before ever the Jury did, affirms that it begun at the ſide of the Neck-Bone behind the left *Jugular*, and extended to the Bone of the Neck beyond the Right, being betwixt eight and nine Inches in Dimenſion from one ſide to the other, and that it ſo nearly approached unto and pierced into the *Vertebræ*, that had it light on a Joint it would have cut off his Head inſtead of meerly cutting his Throat. And I may upon what is here confeſſed and ſworn, confidently ſay, that no Man could cut his own Throat after the rate and manner, and to that meaſure and extent, that the Earl of *Eſſex*'s was cut. Nor did I ever ſpeak with Phyſician or Chirurgion, who was ſo far above the dread of the Court and St. *James*'s, as to dare venture the giving his Opinion, but he would

readily acknowledge and confirm it with unanſwerable Reaſons, that it was impoſſible that the Earl of *Eſſex* ſhould have given himſelf that mortal Wound, or cut his Throat in the manner it appears to have been done. For the Razor being in the whole length but four Inches and a half, and two Inches of theſe being neceſſary at the the leaſt to be held and graſped in the hand in order to the uſing and managing of it; it is not imaginable how with the other two inches and a half both the *Jugulars* could be divided at one ſtroke, and a gaſh made, which extended no leſs than eight Inches from one ſide to the other. There is no Man that is verſed in *Chyrurgery* or the *Anatomy* of the humane Body, but will find himſelf obliged to own, that it is altogether impoſſible that after the cutting the *one Jugular*, there ſhould remain life and ſtrength for carrying forward the Wound, to the dividing the other. Nor can there be any thing more certain in Nature, then that there would have been ſuch an effuſion of Spirits and Blood upon dividing the firſt *Jugular*, that all Life and Motion would have immediately ceaſed, and that there would have been no ſtrength left to puſh forward the Inſtrument to the ſecond ſo as to diſſect it. Beſides, there being no more of the Razor beyond the hand which held the Razor, than about two Inches and a half of the blade that could be uſed and applied to the making the Inciſion in the Throat; how is it poſſible that a Gaſh or Wound of four inches deep (for of that dimenſion it was from the outſide of the Gullet, where the hand muſt lie to the *Vertebræ* of the Neck where the Inciſion terminated) could be made by an Inſtrument of two inches and a half long. Theſe being plain and direct impoſſibilities, it neceſſarily follows that the Earl of *Eſſex* did not deſtroy himſelf, but that this helliſh murder was committed upon him by the hands of bloody and hired Ruffians. Nor indeed was a Razor the Inſtrument which they made uſe of upon this villanous Occaſion, but it was done by one of another kind as well as form and figure, and which as they had prepared and provided on purpoſe, ſo it was much more convenient for the perpretation of the Fact. But it would have too palpably betrayed the Actors, to have ſuffered that to have lain by the maſſacred Body, or to have let it be ſeen by any honeſt and indifferent perſons who might throng in among others, to view and look upon the bleeding Corps. And of all the Inſtruments which they could have thought upon, a Razor, eſpecially of the faſhion which that was, that they threw down by my Lords Body after they had murdered him, was the moſt unfit for an Inciſion in the Throat of thoſe dimenſions, as the Wound whereby they treacherouſly killed him, evidently appears to have been. A certain Gunner in the *Tower*, who may be ſuppoſed not altogether a ſtranger to this Affair, pitched upon a more convenient and

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proper Inſtrument for the doing of it, when about Nine of the Clock that morning he reported the Death of my Lord in a place not far diſtant from thence, ſaying the Earl of *Eſſex* had cut his Throat with a *Caſe-Knife*, wherewith he had been carving a Pigeon for his Breakfaſt. And had they not been infatuated, they would have rather order'd ſuch an Inſtrument to have been laid by the Body, in order to blind and deceive the World about the manner of his Death, than the ſmall French *Razor* which I have deſcribed, and by which they have endeavour'd to make men believe the gaſtful and fatal Wound was made. But if a *Parliament* come to ſit again in *England*, or if his Majeſty will grant a Pardon to ſuch Witneſſes as we are ready to produce, and allow a Writ of *Melius Inquirendum* concerning the Death of this Noble Peer before equal and impartial Judges, we ſhall both deſcribe the Inſtrument he was killed by, and prove the truth of what we ſay by perſons who ſaw the whole bloody and tragical Tranſaction, and are as Acceſſaries too far concern'd in that horrid Murther.

Nor want there proofs of my Lord's being treacherouſly aſſaſſinated by others, and that he was not a *Felon* of himſelf, from the Teſtimonies of theſe very Witneſſes which were produc'd both before the *Coroners Inqueſt*, and at Mr. *Braddon*'s Trial, to ſwear that the Earl of *Eſſex* had cut his own Throat. And tho' it may be pardonable in the *Coroner* upon the *Inquiſition* into the manner of my Lord's Death, to have admitted the *Depoſitions* of *Bomeny* and *Ruſſel*, there being not then ſo juſt ſuſpitions of their guilt in this matter, as afterwards they were; yet for my *Lord Chief Juſtice* to allow them as competent Witneſſes in that affair, when the preſumptions of their being acceſſory to that Murther were ſo ſtrong, as they plainly appeared from the whole ſcope and tendency of that which was ſworn, ſaid, and alledged in Mr. *Braddon*'s behalf at the foreſaid Trial, was the greateſt affront imaginable to Juſtice, and argu'd a moſt criminal partiality: For with what equity could *Bomeny*'s Teſtimony be admitted to deſtroy either the truth or probability of my Lord's being aſſaſſinated by others, ſeeing it muſt be granted that in caſe the Earl of *Eſſex* was treacherouſly murder'd, *Bomeny* being the only Servant who then waited upon him, muſt be an Actor in, or at leaſt an Acceſſary to it. And what is this, but to admit a Fellow under the higheſt preſumptions of Guilt to be a Witneſs in his own Cauſe, and to allow his Teſtimony as a ſufficient Vindication from the moſt perfidious as well as barbarous Crime that could be committed, and which to have acknowledged, would have derived upon him the ſevereſt puniſhment. And the ſame may be ſaid of my *Lord Chief Juſtice*'s partiality and unreaſonableneſs, in ſuffering *Ruſſel*'s *Teſtimony* to paſs for good and legal Evi-

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dence in the matter and caſe that we are diſcourſing of: For *Ruſſel* being the perſon who that morning my Lord was murder'd attended upon him as his Warder, muſt likewiſe have been either an Actor in, or Acceſſary to, the Cruelty that was committed on him. Nor can it be otherwiſe thought than that he, who, contrary to the duty of his Place, and the Truſt repoſed in him, inſtead of aſſiſting and defending my Lord when forcibly aſſaulted, would conſent unto, or at leaſt connive at, the violence committed upon him, ſhould alſo, for the ſaving himſelf as well as others from the puniſhment of the ſaid Crime, transfer the Murther from himſelf, and charge it upon my Lord: For as *Ruſſel* was ſet at my Lord's door, to prevent any endeavours which might have been uſed by himſelf or others for an Eſcape; ſo one main end of his being poſted there, was to ſee that no Violence ſhould be committed upon the Priſoner. But, to diſmiſs this, without further enlarging upon it, I ſhall, in proof that my Lord of *Eſſex* did not murder himſelf, but was aſſaſſinated by others, obſerve the Contradictions that are in the Informations of the Witneſſes about the manner of his Death, and the Circumſtances relating to it, and how they diſagree not only one with another, but gainſay themſelves in their Teſtimonies. It hath always been admitted as a ſufficient ground of disbelieving Witneſſes, and of judging them to ſwear falſly, when their Teſtimonies, inſtead of being either harmonious and coherent in themſelves, or conſonant and agreeable one to another, do both interfere with, and contradict themſelves, and each other; For as Truth is always uniform and conſiſtent, ſo Falſhood is contradictious and various. Now, that this may the better appear, and that all men may ſee I do neither impoſe upon the Witneſſes, nor endeavour to deceive the World, I ſhall tranſcribe the two *Informations* which were ſworn by *Bomeny* and *Ruſſel* before the *Coroner* and the *Inqueſt*, when they ſate on my Lord's Body upon an *Inquiſition* after the manner of his Death, and by what means he came to his fatal end. *Paul Bomeny* in his *Depoſition* made upon Oath the 14th of *July*, 1683. ſaith, *That when my Lord came to Captain* Hawley's, *which was the 11th of that month, my Lord ask'd him for a Penknife to pare his Nails, as he was wont to do: To which the Informant anſwered, being come in haſte he had not brought it, but he would ſend for one; and accordingly ſent the Footman with a Note for ſeveral things for my Lord, amongſt which the Penknife was inſerted; and that the Footman went and gave the Bill to my Lord's Steward, who ſent the Proviſions, but not the Penknife, only told the Footman he would get one the next day; That when the Footman was come, my Lord ask'd if the Penknife was come, to which the Informant anſwer'd he ſhould have it the next day; and accordingly on the 12th in the morning, before my Lord of* Eſſex *was up, the Informant ſent the Foot-*

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man home with a Note to the Steward, in which amongst other things he ask'd for a Pen-knife for my Lord, and when the Foot-man was gone, about or a little after 8 of the Clock, my Lord sent one Mr. Russel his Warder, to the Informant, who came and ask'd him if the Pen-knife was come: To which the Informant said, no my Lord, but I shall have it by and by: To which my Lord said, that he should bring him one of his Razors, it would do as well; and then the Informant went and fetched one, and gave it my Lord, who went then to pare his Nails, and then the Informant went out of the Room into the Passage, by the Door, on Friday the 13th. and begun to talk with the Warder; and a little while after he went down stairs, and soon after came the Foot-man with the Provisions, and brought also a Pen-knife, which the Informant put upon his Bed, and thought my Lord had no more need of it, because he thought he had paired his Nails, and then the Informant came up to my Lords Chamber about 8 or 9 in the Forenoon, on Friday the 13th. of July, with a little Note from the Steward; but not finding his Lord in the Chamber, went to the Close-stool Closet-Door, and found it shut, and he thinking his Lord was busie there, went down and stay'd a little, and came up again, thinking his Lord had been come out of the Closet, and finding him not in the Chamber, he knock'd at the Door with his Finger thrice, and said, my Lord; but no body answering, he took up the Hanging, and looking through the chink, he saw Blood and a part of the Razor, whereupon he call'd the Warder Russel, and went down to call for help, and the said Russel pushed the Door open, and there they saw my Lord of Essex all along on the Floor without a Peruke, and all full of Blood, and the Razor by him; and the Deponent further deposeth, That the Razor now shewed to him at the time of his Examination, is the same Razor which he did bring to my Lord, and which did lye on the ground in the Closet by my Lord. To this Information I shall subjoin that of *Thomas Russel*, one of the Warders of the Tower, who being examined the 14th. of *July*, 1683. saith, *That on the 13th. of the said* July, *about* 8 *or* 9 *of the Clock in the Forenoon, he was present when he did hear the Lord of* Essex *call to his Man Mr.* Bomeny, *for a Pen-knife to pair his Nails, and then for a Razor, which Mr.* Bomeny *brought him, and then my Lord went up and down the Room scraping his Nails with the Razor, and shut the outward door, Mr.* Bomeny *half a quarter of an hour afterwards not finding my Lord in his* Bed-Chamber, *went down Stairs again, believing that my Lord was then private in his Closet.* Bomeny *came up about a quarter of an hour afterwards, and knock'd at the Door, and then call'd, My Lord; My Lord, but he not answering, peep'd through a chink of the Door, and did see the Earl of* Essex *lying on the ground in the Closet, whereupon he did cry out, that my Lord was fallen down sick, and then the Informant went to the Closet-Door, and opened it,*

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the key being on the out side, and then did see my Lord lie down on the ground in his blood, his Throat being cut. These are all the informations which the Inquest charged and sworn to enquire when, by what means, and how *Arthur* Earl of *Essex* came to his Death, thought fit to take, and upon the Depositions of these two Fellows, who in case any violence were offered to my Lord must have been accessory to it, they bring in and do say *upon their Oaths, That the said* Arthur *Earl of* Essex, *did voluntarily and feloniously cut his Throat.* It may indeed seem strange that there being other Persons at that time in the House besides *Bomeny* and *Russel*, particularly the Maid-servant, that they should neither be examined, nor so much as called to know, whether they could say any thing in that affair. But it is not improbable that the contradictions in the Testimonies of the two Witnesses whom they had examined, to one another, might discourage them from examining any more, lest they in what they might swear, should contradict what both the former had said. Now what I have to observe concerning the contradictions in the foregoing *Depositions*, they are either such, wherein these *Informations* are directly contrary to the *Reports* which themselves made to others about my Lords death; or they are such, wherein the Testimony of the one contradicts that of the other, or lastly, wherein the Information of one and the same Person, gainsays and overthrows it self. For the first, whereas both *Bomeny* and *Russel* do positively swear that *it was not above a quarter of an hour and half, from the time that* Bomeny *left my Lord in his Chamber paring his Nails, to the time that they found him dead in the Closet*; yet this very *Bomeny* being ask'd the Question by one of my Lord's Family soon after his Death, how long my Lord might have lain dead before either *he* or the *Warder* discovered it, replyed that he believed he must have lain so above *two hours*, for that when they first found him, the Body was cold and stiff. And whereas *Russel* deposeth, *That the Razor was given by* Bomeny *to my Lord after he was up, and about eight or nine of the Clock in the forenoon*; *and that both he and* Bomeny *inform how they saw his Lordship upon the delivery of the Razor to him, apply to the paring of his Nails*; yet this Rogue *Bomeny* having the property of Lyers, namely, the want of a good Memory, affirmed to a Person of good credit, and who is ready to depose it upon Oath, that from the time of his sending away the Footman with a Note to the Steward (which was about or before *six*) that morning on which the *Earl* died, he did not see my Lord till the time that he found him killed and wallowing in his blood in the Closet. And whereas there is not one word in *Bomeny's Information* concerning my Lords being used to be taken with sudden *Frensical* Passions and Fits, or that he was particularly taken with one, that morning before his death, but the contrary

plainly insinuated in the whole Information, and also acknowledged at Mr. *Braddon's Trial*, where though he says, that * *my Lord was melancholy, yet he adds they took no notice of it, nor had reason to suspect any thing more than ordinary*; all which directly contradicts what the Villain told an eminent Dr. of the Church of *England*; namely, that his Lord *was frequently taken with sudden Frensical Passions, and in particular with one that Morning just before his death.* For said the perjured Rascal, *when the Earl of* Essex *saw my Lord* Russel *carried out of the Tower to be tryed, he struck his breast, and said, himself was the cause of my Lord* Russel's *misery, saying, had it not been for him, my Lord* Russel *would never have admitted my Lord* Howard *into his company. And that thereupon, seeing my Lord* Russel *like to be ruined by the Testimony of that Person, for whose integrity he had engaged his Honour, he fell distracted.* Now as this is directly repugnant, to the Testimony which his own Lady and all other Persons, who had the advantage of being known to his Lordship, do justly give him, affirming that he was the most sedate, best composed, and freest from Passions of all Men they ever knew; so there is not one word of it in his *Information* to the *Coroners Inquest*, though it would have been a stronger Evidence of my Lords murdering himself, than all that he deposed or swore besides. Truth being ever the same, whosoever is called to testifie a Truth that falls within his knowledge, can give the same account of it a thousand times over, without the least variation from it or from himself; but a lye having no foundation, save what it has in the invention of the Author, easily escapes the memory, and lays the Reporter as often as he is called to repeat and declare it, under a continual liableness of inventing either something new that was not, or which is indifferent to what was in his former report, so that by the last Fiction he both detects and discredits the first. But secondly, as the informations of these two Witnesses, interfere with the Reports which themselves gave concerning my Lords Death to other Persons, so the Testimony of the one, does directly contradict and supplant the Testimony of the other. For whereas *Bomeny* positively swears, *That on the 12th of* July, *in the Morning, before my Lord of* Essex *was up, he sent the Footman home with a Note to the Steward, in which among other things he asked for a penknife for my Lord, and that when the Footman was gone, about or a little after 8 of the Clock, my Lord sent* Russel *the Warder, to the said* Bomeny, *who came and ask'd him if the Penknife was come, to which* Bomeny *replyed, no my Lord, but I shall have it by and by; and that thereupon my Lord bid him bring him one of his Razors which he went and fetched, and gave to his Lordship, who applyed himself therewith*

* *Braddon's Trial, p.* 45.

with, to pair his nails; *Russel*, in a direct contradiction to this, swears, *That on the* 13. *of* July, *about* 8 *or* 9 *of the clock in the forenoon, he was present when he did hear the Lord of* Essex *call to his Man* Bomeny *for a Penknife to pare his nails*; *and then for a Razor, which* Bomeny *brought him*; *and that thereupon my Lord went up and down the Room scraping his nails with the Razor.* So that whilst *Bomeny* deposeth upon Oath, that my Lord called for the Razor, and had it delivered to him on the 12. of *July*, being Thursday, and the day before my Lord's death; *Russel* comes and swears, that it was on the 13. of *July*, being Friday, and the day on which my Lord was kill'd, that he ask'd for the Razor, and received it from his Man. We may with the same ease bring the time past, to be the time present or future; as make the 12. of *July*, upon which *Bomeny* swears he gave my Lord the Razor, to be the 13. of *July*, on which *Russel* swears it was delivered to him. And tho' this be such a disagreement in their Testimonies, that no wise and unbyas'd person can give credit to what either of them says, but is in Justice obliged to believe that both of them swore falsely; yet it is not the only thing wherein their Depositions contradict one another, there being a second thing, and as important as the former, wherein the Information of the one lies in a full contrariety to the Information of the other. For whereas *Bomeny* swears, *that* Russel *push'd the Closet-door open where my Lord lay*; which implies his using force and violence to get in; *Russel* comes and deposeth, that *being call'd by* Bomeny, *he went to the Closet-door and opened it, the key being on the outside.* Nor is it possible to reconcile what the one says in this particular, to what is declared by the other, unless we can make the unlocking the door with the Key, to be the same with the bursting it open in a forcible way. Yea as if it were not sufficient to demonstrate the falsnood of both their Testimonies, that they do expresly contradict one another in two important and weighty particulars; there is yet a third, wherein their *Informations* do plainly cross and thwart each other; for whereas *Bomeny* swears, That *upon looking through the chink of the Closet door, he saw blood and a part of the Razor*, without making mention of his seeing *my Lord's Body, or any part of it*; *Russel* comes and deposeth, that *Bomeny upon peeping through a chink of the door, saw the Earl of* Essex *lying on the ground in the Closet*, without adding any thing of his having *seen blood, and a part of the Razor.* Now besides that *Russel* swears a thing positively, which at most he could only swear upon *Bomeny*'s Information; here is also a disagreement between the account of what *Bomeny* says he saw, and that which *Russel* affirms him to have seen. The two Elders who in the Apocryphal History are reported to have swarnly falsely against *Susanna*, did not more evidently, nor in so many particulars inter-

fere with, and contradict one another, as these two fellows, *Bomeny* & *Russel* appear to have done in their Testimonies concerning the *E.* of *Essex*'s death. But alas! we have not been hitherto so happy, as to have this pretended Crime of my Lord *Essex*'s cutting his Throat, to fall under the examination and cognisance of Persons of that Integrity and Uprightness, as well as Wisdom, which the calumnious accusation of Uncleanness fastned upon *Susanna*, had the fortune to do. And as the Informations of these two Rascals do plainly contradict each other; so in the last place we shall observe how one and the same Witness does in his *Deposition* thwart and gainsay himself: For whereas *Bomeny* swears, *that on Thursday the* 12. *of* July, *he gave the Razor to my Lord, who thereupon went to pare his nails with it*; so he immediately adds, without the least congruity either to Sense or Grammar, that he the said *Bomeny* having given my Lord the Razor, *went out of the Room into the passage by the door, on Friday the* 13. Nothing can be more apparent, than that the foregoing part of the Information, relates wholly to Thursday: But at last, without any regard in himself to what he said, or relation in the next words to those which preceded, Friday is brought in contrary both to all Rules of *Syntax*, and the foregoing words of his own Testimony. For what was antecedently deposed referring wholly to what had fallen out and was transacted on Thursday, his immediately subjoining, That *then he went out of the room into the passage by the door*, ought by all the Rules of Speech, and the Measures of Sense, to relate to Thursday also: But Friday being the day on which the Earl of *Essex* was killed, and which as both *Bomeny* and *Russel* swear, was soon after his having received the razor; it was there foreneedful, that in order to the giving some gloss to that part of their Information wherein they swear my Lord cut his own Throat, that Friday should be mentioned, tho' with never so much incongruity and absurdness. How conspicuous is the Righteousness of God, in suffering a Villain who had first consented to the murdering his Master, if not assisted in it, and then undertaken to transfer the Crime and Infamy from the Assassinates, and charge it upon his Innocent Lord, so evidently to contradict himself in what he swears, as thereby to afford the World an uncontrollable demonstration both of the falshood of his own Deposition, and of his Masters being guiltless of what he accused him.

And as the many contradictions of one kind and another, which occurr in the Informations of the Witnesses, do as so many prints and footsteps lead and conduct us to other Authors and Instruments of my Lord's death than himself; so the many irregularities which were committed about the Body by those who had the oversight & custody of it, before the Coroner's

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Inquest had ſat upon it, adminiſter unto us new proofs, that the Earl of *Eſſex* was not *Felo de ſe*, but that he was treacherouſly and barbarouſly murdered by the hands of bloody and ſuborned Ruffians. By the cuſtom of all Nations which is equivalent to a common and univerſal Law, but moſt eſpecially by the known and always practiſed cuſtom of *England*, the Body of a perſon found dead and ſuppoſed to have come to an untimely end, ought (if it be poſſible) to lie in the place and poſture that it is found, till the Coroner's Jury have ſat upon the Body, and enquired into the manner of the Perſon's death. Nor can we think that thoſe in the Houſe where my Lord was kill'd and found dead, could be ignorant of this cuſtom, ſeeing it is ſo well and univerſally known to the meaneſt and moſt ignorant people of the Nation. Neither is there any thing more adapted and proper, as well as needful towards a diſcovery, whether a perſon have fallen by his own hands, or the hands of others, than this received cuſtom and practice, is upon many frequent and repeated experiences, found to have been: For how many circumſtances, not only may, but do often occur, from an obſervation of the ſite and poſture wherein the Body is found, from an inſpection of the marks, tokens, and impreſſions left upon the Cloaths which the party deſtroyed wore, and from a view, of the footſteps, ſymptoms, and ſigns, which the place where the Fact was committed, and the Body fell, may yield and afford; all which may have their uſefulneſs and tendency, to give light unto the Jury that is to ſit upon the Body, and whoſe Duty and Office it is to make enquiry into the manner of the perſon's death. But leſt the Earl of *Eſſex* ſhould have been found to have come to his end after another manner, and by other ways and means, than was ſafe or convenient for ſome people to have known and believed, therefore were all things otherwiſe carried, and the cuſtom of the Nation in caſes of this nature, not only neglected and deſpiſed, but with the greateſt impudence imaginable violated and acted contrary unto: For beſides their taking my Lord's Body out of the Cloſet where it was found, and by conſequence ought to have lain, they did not only uncloath, ſtrip, and waſh it; but alſo waſh'd both the Cloſet where it was found, and the Lodging-Chamber into and through which we muſt ſuppoſe the perſons to have come, if any aſſaſſination was by the violent hands of others committed upon him. Yea, and as if all this had not been too daring in it ſelf, and enough to adminiſter a juſt ſuſpition to all Mankind, of ſome villany perpetrated upon the perſon of this noble Lord; they proceeded further, even to the carrying away the very Cloaths, which they would not ſo much as allow the Jury to ſee, tho' ſome of the Coroner's Inqueſt had the wit and ſeeming ingenuity as to call for them. I do not affirm, nor would I have

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it thought, that all these irregularities were committed before the Coroner himself saw the Body; for I have been well informed, and am fully satisfied to the contrary, and have reason to believe that he was prevailed upon to consent and give way to the doing of these absurd and illegal things: But that which I assirt, and which will be proved, if occasion be, both by the several Members of the Jury it self, and by divers other persons, who saw the Body before the time of the Coroners Inquisition, is, that these irregularities were committed and done ere ever the Jury, who were to be the Judges of the manner of my Lord *Essex*'s death, were admitted, or indeed could be to a sight of the Corps: For as the Coroner's Inquest neither sat upon, nor saw the Body till the 14. of *July* in the forenoon; so all these irregular things had been done the 13. being the same day on which my Lord was kill'd. Now besides many other circumstances which the Jury might have observed detective of, and serving to discover the manner of my Lord *Essex*'s death, had all things been suffer'd to remain as they were at the moment when his Body was found; and as they ought, according to the custom of the Kingdom, and the practice in all cases of that nature, to have done, there would have appeared three remarkable things to them, which had served to convince all Men, who had a spark of Reason, or degree of Honesty, that this great and honourable Peer, did not destroy himself, but was massacred by hired and suborned Ruffians. The first whereof would have been the *print of a bloody foot upon one of my Lord's Stockings*; which seeing it could not be an impression made by himself, must necessarily have been the effect of a most perfidious cruelty exercised upon him by others. Nor is this a fiction of mine, raised to vindicate the Memory of the Earl of *Essex* from the guilt and infamy of so base and enormous a Crime, nor given out to baffle and discredit the belief of the late Plot; and deliver the Conspirators from the reproach and danger which that pretended Combination had derived upon them; much less is it invented to defame the King, cast an aspersion upon the Government, and enflame the Nation; but there are Eye-witnesses ready to swear it; and one as remote from all likelihood of being the Author of a groundless and Romantick Fable, as any Man, affirmed it before the Coroner and Jury, when they sat upon an Inquisition into the manner of my Lord's death: For *Samuel Peck*, a Servant of the Earl of *Essex*'s, and who had just brought the Provisions which *Bomeny* by my Lord's order, had writen to the Steward for, as the perfidious Rascal was running down Stairs, crying out, that my Lord had kill'd himself, and that he had found his Body dead in the Closet, did thereupon, being surprized by *Bomeny*'s report, run up into the Chamber, where he saw *his Master lying in the Closet with a great*

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part of his legs reaching out of the Closet door, and the print of a bloody foot upon one of his Stockings, which so far convinced this honest and unbiassed Man, of violence committed upon the Earl of *Essex*'s Person, that he immediately cryed out, *They have murdered my Lord.* Nor is *Peck* the only Witness whom we can produce to testifie this, but there are others also ready to confirm it upon Oath, whensoever his Majesty will be pleased to take them into his protection, and indemnifie them from the accession they are guilty of, to that horrid and bloody Murder. But before I dismiss *Peck*, there is one thing further observable, namely, that having among other things brought Wine for my Lords own drinking, *Russel* and others of that fellow's stamp and complexion who stood by, fell a jeering the poor Man, telling him the Wine came too late for my Lord to drink, but that he had brought it very seasonably for his Funeral. Nor is this the only circumstance which would have afforded the *Coroners Jury* matter of Evidence and Light, as to the manner of the Earl of *Essex*'s Death, had not the Body been medled with, but suffered to continue in the place and posture as it fell; but there would have appeared a second circumstance of as great importance and signification in it self, and as serviceable as the former, to have discovered the barbarous violence committed upon this innocent and excellent Person. For not only *Mary Johnson*, the woman who was then Servant in the Warders house where my Lord was a Prisoner; and who affirms that she saw my Lords Body, as soon as either *Bomeny* or *Russel* did; but several other Persons besides her, have confessed, *That the neck, or middle of my Lord's crevat, was cut in four pieces.* Surely if my Lord (as *Bomeny* tells us) had taken off his Peruke and hung it up; because as the Villain would have the World believe, he could not so conveniently have cut his Throat with the Peruke on; he would for the same Reason, have much rather laid aside his Crevat, being no less than three times about his Neck, and more apt to hinder the accomplishment of that unnatural Fact (which the insidous and perjured Rascal hath endeavoured to father upon him) than the Peruke was. And therefore as it is unreasonable to think otherwise, but that the Earl of *Essex* would have laid by his Crevat, had he designed to commit that violence upon himself; so it gives just suspicion that he was Assassinated by others, that his crevat was about his Neck, and cut through in so many places. And whensoever this Affair of my Lord *Essex*'s death comes to be admitted to a fair and indifferent hearing, and a Pardon vouchsafed to such as shall give Evidence, it will be fully proved, that the bloody Miscreants came provided and furnished with an Instrument, which was able to conquer the resistance, which a Crevat, though thrice roll'd about the Neck was able to give it. And whereas one *Webster*, Bayliff of

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the Tower liberty, being a Perſon who aſſiſted *Mary Johnſon* in ſtripping my Lord's Body, hath pretended to ſome, that it was he who cut the Cravat, as not being able readily to untye it; this may be eaſily demonſtrated to be a ſtory, purpoſely forged towards the avoiding the ſuſpicion, which the circumſtance of the Cravats being cut, by the ſame Inſtrument and ſtroke that gave my Lord the fatal and deadly wound, would have both begotten and cheriſhed in the Minds of unbiaſſed Men. For beſides that *Mary Johnſon* who in conjunction with *Webſter* ſtripp'd the Body, hath often aſſerted the contrary to this which *Webſter* reports and gives out, it was not poſſible that the Cravat ſhould be thrice about my Lords Neck, when the wound and gaſh was made from the Neck bone behind the one jugular, to the Neck bone behind the other jugular; and not at all cut or touched by the inſtrument wherewith that large and deadly wound was given. And as my Lords Cravat, could not be tyed harder than he tyed it himſelf, without the intervention of ſome violent hand that had endeavoured to choak him with it, to hinder and prevent his crying out; ſo we cannot ſuppoſe that my Lord himſelf had tyed it ſo hard, but that it might have been eaſily looſed and untyed without cutting of it. And as it was impoſſible that my Lords Neck ſhould ſwell, after the Gullet and both the Jugulars were cut, which if it could have done, might have been a means and occaſion of the Cravats being more ſtrait and cloſs about his Neck, ſo no rational Man can apprehend, but that had it been never ſo ſtrait, they would have taken pains and found away to untye it, eſpecially having a proſpect of enjoying it themſelves, it being uſual in *England*, that they who ſtrip a dead Body, are recompenſed with the gift and poſſeſſion of all the Cloaths which they find about it. And therefor as *Webſters* pretending to have cut the Cravat when he aſſiſted in ſtripping the Body, is both a confirmation that it was about my Lord's Neck when he was killed, and that it was cut into ſo many pieces as I have declared; ſo the having made it evident that this pretence of *Webſter*, as to his cutting the Cravat at ſuch a time, is a forgery and fiction of his own; I may from the whole very juſtifiably conclude, that this Report was invented to ſuppreſs the Evidence and Light, which this circumſtance would have given into the manner of my Lord *Eſſex*'s death, and to prevent the queſtioning ſuch, as might thereupon have been ſuſpected and apprehended for aſſaſſinating and murdering that Vertuous and Noble Peer. But beſides the two foregoing circumſtances, which would have ſerved to detect the manner of my Lord's death, and the violence which had been uſed to bring him to his untimely End, there was a Third of as great weight and moment as either of them, which had the Body been ſuffered to continue in the place, poſture,

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and condition as it fell, would have clearly discovered the Perjury of *Bomeny* and *Russel*, and wonderfully contributed to the unvailing and laying open the whole Mystery of this barbarous Murder. For whereas both *Bomeny* and *Russel* not only swear *that the Closet door where my Lord fell, was lock'd when they came up to it, but that upon opening the door they found him lying all along on the Closet Floor*; *Peck* the Servant that had brought the provisions to my *Lord* just as *Bomeny* pretended to have found him dead, and who upon *Bomeny*'s meeting him on the stairs and telling him that my *Lord* had killed himself, run immediately into the Chamber, is ready to depose upon Oath that he *saw the Earl of* Essex's *Body lying in the Closet, with a great part of his legs without the Closet door.* Which Testimony as it shews the falshood of those two Rascals *Informations* in swearing that the Closet door was lock'd when they came first up to it; so it ought to have credit given thereunto, as proceeding from one that could hope for no advantage by telling a lye, nor fear any danger from declaring the Truth, while on the contrary *Russel* and *Bomeny* were subborned and brib'd to attest a forged story and knew themselves liable to be hanged for their accession to my Lord's Murder, had they related the matter as it really was. Yea this posture wherein *Peck* declares he found my *Lord*'s Body; namely, three quarters of it lying in the Closet, and one quarter out of it, must have awakened the Jury had they seen it in that condition, to suspect and apprehend, that some preceding violence had been offered to his Person near the Closet door. But as the removing and stripping the Body, and washing both it and the two Rooms before ever the *Coroners Inquest* was admitted either to see it, or to view those places where the *Tragedy* had been acted, deprived them of the knowledge of the foregoing circumstances, (and possibly of many others as weighty and important) which would have served to have led them into this Mystery, and enlightned them about the manner of my Lord *Essex*'s Death; so nothing can be more convictive of some violent and unlawful course and means, made use of to bring him to that deplorable and untimely End, than the irregularities committed upon and about the Body, before the Jury either sat upon, or so much as saw it.

That which we advance unto in the next place, as fresh matter of proof that the Earl of *Essex* was not *Felo de se*, but that he perished by the violent hands of bloody Assassinates; ariseth *partly* from the carriage of the Jury it self, which was trusted with the inquisition into the manner of his Death, and who as Men of little Sense or Reason, and of less justice and honesty, gave it upon Oath *that he did voluntarily and feloniously*

cut his own Throat; and *partly* from the *behaviour* of others towards the Jury both in confining and abridging them to ſhorter time than was neceſſary to a ſuitable and thorough Enquiry into ſo great an Affair, and in denying and with-holding from them thoſe *means* of being enlightned in that matter, which it was their Duty to require and the Duty of others to grant, and without which they could not judge themſelves inabled to give a true and juſt *Verdict* concerning the manner of that Noble Man's Death. And the *firſt* thing that occurrs in the carriage of the *Jury* which makes it ſuſpected that even they did judge the manner of the Earl of *Eſſex*'s Death a buſineſs of too much hazard to enquire narrowly into, was their *Partiality* in examining thoſe few Witneſſes which they called before them, and their giving too haſty and undeſerved credit to two Fellows of whom they had reaſon to be jealous as intereſted in that Murder, againſt the information of an honeſt and unbias'd Perſon. With what not only coldneſs but apparent loathneſs to be truly informed, did they examine *Peck*, as if they had dreaded to hear any thing which might ſhake their belief of the Earl of *Eſſex*'s having killed himſelf, or which might oblige them to accuſe and charge others with the guilt of his Murder, while in the mean time they greedily hearkned to whatſoever *Bomeny* and *Ruſſel* ſwore, tho' ſtuff'd with all the inconſiſtencies and contradictions imaginable? How little eſteem and value did they ſet upon the information of poor *Peck*, tho' they could not but know that he was a Man whom none could have endeavoured to prepoſſeſs, and who was neither under the influence of hope or fear to teſtifie any thing but what he ſaw; while in the *interim* they paid an implicite faith to the ſelf and one another contradicting depoſitions of *Bomeny* and *Ruſſel*, whom they might eaſily have ſuſpected not only to have been prompted and taught what they were to ſay, but to have been both deterred by the apprehenſion of puniſhment from declaring the Truth, and ſway'd by Rewards to ſwear and publiſh a Falſhood? But there is a *Second* thing wherein the *Jury* were partial and defective in their Enquiry into the manner of the Earl of *Eſſex*'s Death, and which by conſequence ſhows that if not all of them, yet ſome and they ſuch as conducted the reſt, did either know or were jealous of a Myſtery in the way of that Noble Man's coming to his fatal end, which they were not willing, and judged it not for their intereſt to dive too far into. For albeit there were more Perſons than *Ruſſel* and *Bomeny* then in the Houſe when my Lord's Throat was cut, yet I do not find that they did, or were willing to examine any others. Now amongſt thoſe that were in *Hawley*'s Houſe at that ſeaſon when that bloody Fact was committed upon this honourable *Per*, there was one *Mary Johnſon* who

who amongst many other things which she declares, affirms particularly, *that being just entred my Lord's Chamber as* Russel *and* Bomeny *were opening the Closet door, she saw the Body as soon as either of them did*; and yet this Woman whom the *Coroners Inquest* were bound by the Laws of Justice as well as the Rules of Prudence to have examined, was never so much as called upon, nor ask'd a Question concerning that matter in a judicial way. And we have the more reason to complain of the *Juries* neglect and infidelity in this particular, because she has often reported, and professeth her self ready to depose upon Oath, diverse things, which are wholly inconsistent with what *Russel* and *Bomeny* have informed. For while they depose *that they found my Lord's Body lying along in the Closet, and the Razor lying by him on the Floor*, This Woman *Mary Johnson* both hath and doth still report, that *my Lord of* Essex *was found kneeling on both his knees with his Body leaning against the Wall, and that the Razor was in his hand, the blade being lying upon his Forefinger, and the handle hanging down between that Finger and the Thumb.* And while they swear *that it was not above a quarter of an hour and a half, from* Bomeny's *delivering the Razor to his Master, till the time of their finding him dead in the Closet*; She positively averrs and affirms, that *the Body when at first found was cold and stiff*, which it could not be at that season of the year in a much longer time than their *Informations* do specifie and allow. I do not say that what She affirms was true, no more than I believe that what they inform was so; but I say the contrariety which (had she been examined) would have appeared in her Testimony to theirs, might have served to convince the *Jury*, and is sufficient to satisfie all Mankind, that things were not as they are declared by any of them, but that the manner of my Lord's Death, and the posture wherein the Body was found, being otherwise than was safe for them to disclose and reveal, each of them in order to hide and conceal the Truth, and for the sheltering both themselves and others from Justice, fram'd a story of their own concerning that matter, whence it came to pass that they so widely differed one from another in their several and respective Reports. And as the carriage and behaviour of the *Jury* in their *Inquisition* after the manner of the Earl of *Essex*'s Death, does plainly shew that there was a secret and hidden Villainy in that matter which some of them were either forbidden or afraid to ravel into; so it serves to depress and take off the credit of that Verdict which they gave in concerning his having murdered himself. But let us in the next place observe and consider the behaviour of other Persons and those acting by no meaner Authority than that of the *Duke* of *York*, towards the *Coroner*'s *Inquest* when they were met

and ſat upon the Body; and we ſhall from thence alſo be furniſhed with new proofs and further evidence, that the Earl of *Eſſex* did not deſtroy himſelf, but was brought to his unfortunate and untimely end, by Inſtruments whom they would not have known, and by means which they durſt not admit to have narrowly ſearched into. For whereas according to the ſaying of the *Poet*, which my *Lord Chancellor Finch* was pleaſed to quote at the Trial of my Lord *Stafford*,

Nulla unquam de morte hominis cunctatio longa eſt. Juven. Sat. 6.

That we can hardly proceed ſlowly, nor ſearch diligently enough in what concerns the life or death of a man; ſo there were many ſingular and weighty reaſons, ariſing from the worth and quality of the Perſon, the place and condition my Lord of *Eſſex* was then in, the benefit or prejudice which were likely to enſue to others, as his death ſhould be found to be compaſſed by this or that means, which ſhould have influenced the *Jury* to uſe all the utmoſt ſcrutiny and diligence imaginable in their Enquiry into the manner of that Noble Man's death. But inſtead of this, the *Jury* was little ſooner met (which by the way was at a publick houſe in the *Tower* whither the Coroner had adjourned them after they had ſeen the Body) than a meſſage was ſent them *to make haſte in their Inquiſition becauſe one waited to carry it to the King*. Not that I would perſwade the World they had any Authority from his *Majeſty* to uſe ſuch an Expreſſion, or that the King was not willing they ſhould take time to examine things throughly as well as with gravity and leaſure, but that there were ſome great Men and very near his Perſon who gave order to make uſe of his name, in order to the preventing the reproach and publick guilt, which a due, calm, impartial, and leaſurely Enquiry of the *Jury* into that matter, would have ſubjected and made them obnoxious unto. Nor can I believe that *Hawly* the *Warder* who was one of thoſe that ſent the forementioned Meſſage to the *Jury*, either would or durſt have done it, and much leſs have named the *King*, but that he had expreſs command and warrant from ſome in power for the doing of it, and that there were ſome Men of the firſt quality, who for reaſons well known to themſelves, were exceeding backward and averſe to the having the manner of the Earl of *Eſſex*'s death too critically ſearched into. But beſides the method which I have mentioned that was uſed towards the *Jury* to hinder a due *Inquiſition* into the matter they were met about, and to frighten and intimidate them from tracing things too far, there was a *ſecond* paſſage and much more aſtoniſhing than the former, in the behaviour

riour of ſome people towards the Corner's Inqueſt, while they were aſſembled and ſitting about the Earl of *Eſſex*'s death: For one of the Jury having obſerved, that tho' they had been admitted to view the Body, yet they had not ſeen the Cloaths which my Lord wore when he was kill'd, but that they had been taken off, and were carried away, did thereupon ask to ſee the Cloaths which my Lord had on when that unfortunate thing fell out, and in which he was found dead. One would think, that a more modeſt, juſt, and neceſſary demand, could not have been made; and I take the confidence to ſay, the Jury ought not to have proceeded to a Verdict, till they had been complied with in it, unleſs upon the denial of ſo righteous a Requeſt, and the refuſal of a matter that was ſo neceſſary, as well as uſeful, to inform them, they had proceeded as in Duty and Conſcience they ought, to acquit my Lord from having committed any violence upon himſelf, and have caſt this horrid Murder upon others; For inſtead of being gratified in the demand of ſeeing the Cloaths, the Coroner was immediately called into the next Room, where ſome Gentlemen were attending (and amongſt others, the perſon I have juſt now mentioned) who having over-heard what was asked for, ſeverely check'd and rebuk'd him for ſuffering ſuch Queſtions to be propoſed. And this mercenary or at leaſt cowardly Soul, *Farnham* the Coroner (if I may ſo call him, being but the Coroner's Deputy) returning back to the Jury, after having received the reprimand & rebuke, told them, *They were call'd to ſit on my Lord's Body, and not on his Cloaths, and that it was ſufficient they had ſeen the Body, and received an account upon Oath how it was found.* O faithleſs and nonſenſical Man! as if becauſe they were to ſit upon the Body, they might not be allowed a view of the Cloaths in which it was array'd, when this noble Perſon received his fatal and deadly Wound: But, ſtupid Fool! whom if thy Place and Office had not made an Eſquire, thy Honeſty and Wit never would; didſt thou think that it was meerly the Body of the Earl of *Eſſex* thou waſt to ſit upon, whilſt thy buſineſs, Man, was to enquire by what means, and after what manner my Lord himſelf came to that unnatural, violent, and untimely end? And therefore as thou ſat upon the Body meerly in order to the receiving light and information into the manner how my Lord's Perſon came to be deſtroyed; ſo if thou hadſt not renounced Conſcience, as well as Courage, thou wouldſt have deſired a ſight of the Cloaths, in ſubſerviency and order to the ſame end. Nor can any rational Perſon otherwiſe judge, why the Body was firſt ſtripp'd, and the Cloaths afterwards with held from the view of the Jury, when demanded by one of them to be ſeen, but becauſe ſomething or other remarkable would have been found upon and about them, which would

would have overthrown the Informations of *Bomeny* and *Ruſſel*, and made appear my Lord's being murdered by others, inſtead of periſhing by his own hands.

To all that we have hitherto ſaid in vindication of the Earl of *Eſſex* from the guilt and infamy of having been a *Felon of himſelf*, and in proof that he was moſt treacherouſly as well as barbarouſly murdered by others, we ſhall in the next place give an account of ſome remarkable paſſages which were obſerved in the Tower that morning my Lord was kill'd, which will not only inform us there was ſomething requiring great ſecrecy then tranſacting, but will conduct us home to the Authors and Authorizers of that villanous and ever-to-be abhorred Aſſaſſination. The firſt thing then remarkable was, that the Gate of the lower end at thoſe Appartments in the Tower, where the Earl of *Eſſex*, and all the other Gentlemen committed for the late pretended Plot were lodged and ſecured, and which always uſed to ſtand open from Morning to Evening, was all that Morning kept ſhut till after my Lord of *Eſſex* was dead, except that it was once opened to let out my Lord *Ruſſel* to his Trial, being immediately after he was gone, lock'd up again. And as this could not eſcape the ſight of the Perſons who were then confined, ſo it gave that ſurprize to ſome of them, being a thing which had not fallen out before, that one Gentleman in particular called to his Warder, and ask'd him the meating of it, and received for anwſer, that there was ſpecial Order given for it. Nor is it difficult to gueſs the reaſon of the Order, and upon what motives, and in reference to what end, Command was given for keeding the ſaid Gate ſhut up all that moruing, till after the Earl of *Eſſex* wes kill:d; for the Stage and Theatre upon which the bloody Tragedy was to be acted, being within that Gate, it was needful to keep people out as much as they could, to prevent the diſcovery of the Actors, unleſs it were ſuch as had their parts in ſome of the Scenes, or would be ſure to give their *plaudite* to the whole. A ſecond paſſage very remarkable, which was obſerved in the Tower that morning, and which ſpeaks as loud to the matter we are upon, as the former, was, that the King and Duke having been at the Lieutenant's houſe, which is about the middle of the Alley, where my Lord of *Eſſex* and the reſt were impriſoned, and having ſtood in a Balcony, with a few attending them, to ſee my Lord *Ruſſel* paſs by to his Trial, the Duke did ſoon after, with ſeveral waiting upon him, withdraw from the King down into the Alley, the Gate whereof was ſtill kept ſhut. Surely it could not be the pleaſure of the walk that made the Duke leave his Majeſty at that ſeaſon, but he had ſomething to give Order about, and to ſee the managing of, which was of more moment than his Princes Company,

pany, and which his heart was infinitely more ſet upon. The Third and laſt thing which fell under the obſervation of divers then in the Tower, was that the Duke having withdrawn from the *King*, there were ſeveral Perſons immediately ſent and diſmiſſed from his very ſide towards the Earl of *Eſſex* lodgings, who returned not till after the death of that Noble Perſon, that they came and gave an account of the obedience they had paid to his Highneſs Commands, and that the Earl of *Eſſex* was killed, pretending he had cut his own Throat, thereby murdering his Memory after they had Aſſaſſinated his Perſon. It may be expected that I ſhould here mention the Names of thoſe that were ſent upon that barbarous errand, but there being ſome of them, who may be improved and made ſerviceable to detect the villainous Crime they were aſſiſting to commit, it is but Juſtice to our ſelves as well as to them to conceal their Names. And to publiſh the Names of the reſt, were but to ſet a mark upon the former, and expoſe them to the rage and power of St. *James*'s, by not proclaiming them in conjunction with the others. But this offer I renew again both to his *Majeſty* and his Miniſters of Juſtice, that if a *melius inquirendum* into the manner of my Lord *Eſſex*'s death, may be ordered, and an Indempnity granted to ſuch as ſhall be willing and able to detect, by whom and how he was murdered; then ſhall the Names not only of the Ruffians who committed the bloody Fact, but the Names of the Conſpirators, who were the Contrivers, Authors, and Encouragers of it, be both diſcovered to his Majeſty and judicial Officers, and publiſhed to all the World.

The only thing which remains to be diſcourſed of, in confirmation of the Earl of *Eſſex*'s being murdered by others, and that he was not *Felo de ſe*, is *That of a bloody Razors being thrown out of his Chamber window, before any noiſe of his Death, or the leaſt intimation that he was killed.* And indeed this of a bloody Razors being thrown out of his window has already made a great clamour in the World, and was the firſt thing which raiſed a ſuſpicion that my Lord had not deſtroyed himſelf, but that he was Aſſaſſinated by others. For as it was impoſſible that after his Throat was cut he ſhould throw it out himſelf, ſo it could not be caſt forth by others, before the Body is pretended to be found, or any declaration made that he was killed, unleſs it was by ſuch as were preſent in the Room when he was ſlain, and who were inſtrumental in his Murder. Nor can any account be given why they did it, but that God infatuated them, thereby to detect the Villainy they had committed. And it ſeems they had no ſooner recollected themſelves, but they were ſenſible it would not ſerve the End they had deſigned it unto, namely, of making the World believe he had cut his own Throat, and in

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revenge upon the instrument wherewith it was done, thrown it away after the deed was performed, and therefore they immediately both caused it to be taken up, and carried back into the Closet, and have had the impudence ever since, to deny that ever such a thing was done. Nor can the Story which a certain Gentleman at *White-Hall* had formed for them, stand them in any stead, *viz.* That *Bomeny* finding my Lord dead in the Closet, and the Razor which had been the Instrument of his death lying by him, and that thereupon being struck with surprize and astonishment, at so unexpected and deplorable an accident, he took up the Razor, being acted by grief and indignation, and not minding what he did, threw it out at the window. For besides that, the Razor was thrown out of the window before there was the least noise of my Lords death, this gloss and qualification was invented too late, to serve the end it was designed unto, seeing *Bomeny*'s and *Russel*'s Examinations with which it is inconsistent, were publick before. Now in proving that a Razor was thrown out of my Lord *Essex*'s window, before the news and tidings of his death, I would not be thought to acknowledge, that it was a Razor wherewith the mortal and deplorable wound was given him, being well assured that it was with an instrument much more proper for the purpose, than that would have been; but that which I intend by the proof hereof is partly the overthrow and subversion of *Bomeny*'s and *Russel*'s informations, upon which the Inquisition and Verdict of the Coroners Inquest was built, and partly to establish and evidence that antecedently, to the noise and report of my Lords death, there were some Persons in the Chamber where he was killed. Which last if once obtained, it will I suppose be thence readily granted, that they were not there to be idle Spectators of my Lords cutting his own Throat; but that their business was to perpetrate themselves that barbarous Fact upon him, though for the concealing their guilt and avoiding the Justice and Severity of the Law, they have endeavoured to cast the reproach and infamy of it, upon that inocent and injured Person. The first who reported and divulged the Story of a bloody Razors being thrown out of the Earl of *Essex*'s window, before there was any news of my Lords death was one *William Edwards*, a Youth between thirteen and fourteen years of age, who having heard as he was going to School, that the King and Duke were in the Tower, went in to see them, and continuing there sometimes in one place and sometimes in another all that morning, came home about ten of the clock to his Mother, and told the Earl of *Essex* was killed, *and that while he,* (*the said* Edwards) *stood near the Earl's lodgings, looking up towards his Chamber-window, he saw a hand cast out a bloody Razor, which being going*

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to take up, there came a ſhort Maid or Woman with a white hood on her head out out of Captain Haulle's *houſe where the Earl lay, and took up the Razor which ſhe immediately carried into the Captains houſe, and run up ſtairs, and that ſoon after he heard one cry out murder.* All this the *Boy* hath frequently repeated and averred to his *Father*, *Mother*, *Siſter*, and to one Mrs *Burt*, as well as to Mr. *Braddon*, as thoſe four Perſons depoſed upon Oath at Mr. *Braddon*'s Trial, yea, the very *Boy* himſelf did confeſs and acknowledge in *Court* that he had ſaid and reported it. 'Tis true that after he had often affirmed it, he was at laſt by the flatteries of ſome and the menaces of others brought to ſay he ſaw no ſuch thing as a *bloody Razor* thrown out of the Earl of *Eſſex*'s window, but that the whole which he had reported relating thereunto was feigned and invented by himſelf. For having been told by his *Siſter* that through perſevering in his firſt Report he would not only ruine his Father and the Family, but that he would bring both himſelf and his Father to be hanged; he thereupon under the influence of dread and fear retracted what he had before affirmed. But whether there ought not more credit to be given to his Affirmation, than to his Denial, I dare referr it to the Judgment of all impartial Men, who have either heard of the Method uſed towards the *Boy* at the *Council-Board*, or who have read the carriage and behaviour of my *Lord Chief Juſtice* and the *Court* of *King*'s *Bench* in this matter at the *Trial* of Mr. *Braddon*. And as I was amazed my ſelf on the peruſal of the *Trial*, to obſerve with what impudence and barefacedneſs they not only diſcovered the means uſed by others to influence the *Boy* to forſwear himſelf, but the arts and tricks in huffing on the one ſide, and cajoling on the other, whereby the very *Bench* drew him into and cheriſhed him in Perjury; ſo I never had the fortune to ſpeak with a Man that was wiſe or honeſt, but he was forced to acknowledge that the *Boy*'s firſt Report in ſaying he ſaw a *bloody Razor* thrown out of the Earl of *Eſſex*'s window, ſeem'd natural, plain, candid, and true, whil'ſt his denying what he had ſo often affirmed to have ſeen, appeared evidently to be wheedled out of him, or by reaſon of the dread and fear wherewith they had poſſeſs'd him, wreſted and extorted from him. How groſs as well as unbecoming was it for my *Lord Chief Juſtice* when old Mr. *Edwards* had upon his Child's being ſworn, * *charged him in the preſence of Almighty God to ſpeak the Truth and nothing but the Truth*, I ſay for my *L. C. Juſtice to bid the Child turn about and ſay Father be ſure you ſay nothing but the Truth.* For as the *Father*'s command to his Son does plainly intimate the jealouſie he was under concerning the *Boy*'s being

* *Braddon's Trial p.* 17.

wrought upon to perjure himſelf; ſo the Reply which my *Lord Chief Juſtice* adviſed the Child to make to his Father, did, beſides the irreverence towards a Parent whereof it ſavoured, directly inſinuate the apprehenſions he had, leſt the Father's Chriſtian counſel ſhould fortifie the Child to aſſert the Truth. How palpably as well as ſhamefully did my Lord *Chief Juſtice* betray and reveal their entangling the Boy to ſwear a lye, by the rage as well as ſupercilioufneſs wherewith he treated *Mr. Wallop* (a Perſon not only to whoſe Age Honour is due, but who in all the qualifications of a Gentleman and the accompliſhments of a Scholar in all other Learning as well as the Law, infinitely tranſcends and exceeds his Lordſhip) and for no other reaſon but becauſe Mr. *Wallop* would have ask'd young Mrs. *Edwards*, * *whether ſhe had not told her Brother that the King would hang his Father if he did not deny what he had ſo often affirmed to have ſeen.* And tho' it was a Queſtion the anſwering whereof, would have unfolded and laid open the means by which the *Boy* was brought to retract what he had formerly declared, and would have confirmed the Truth of his firſt Report, yet my *L.C. Juſtice* inſtead of ſuffering any Anſwer to be given to it, not only upbraided that ancient, learned, and worthy Gentleman, as if he had intended to have charged the King with a deſign of hanging Men, or elſe of making them deny the Truth (both which were far from his thoughts and the intention of the Queſtion) but having huff'd and hectored him did threaten him with the animadverſion and *correction of the Court* for reflecting upon and aſperſing the Government. Nor is young *Edwards* the only one who hath declared that he ſaw a *bloody Razor* thrown out of the Earl of *Eſſex*'s Window before any noiſe or rumour of his death, but there is alſo a *Girl*, one *Jean Lodeman*, of about *thirteen* years of age, who being in the Tower that Morning the Earl of *Eſſex* was killed, and ſtanding over againſt his Lodgings, came home and told both her *Aunt* and others about *ten* of the clock, that it was reported the Earl of *Eſſex* had cut his Throat, *and that ſhe had ſeen a hand caſt a bloody Razor out of the window where the People ſaid that my Lord lodged.* And as this *Girl* had no acquaintance with or knowledge of the former *Boy*, and conſequently they could not agree together to form and invent a *Romantick* and fabulous Story, nor to concert the particulars which they were to report; ſo it is obſervable that their Relations do harmonize and accord in all the main heads, and only ſeem to differ in one thing, which the *Girls* unacquaintedneſs with the ſeveral parts of the houſe where my *Lord* lodged, led her into a miſtake about. For they both agree that there was a *Razor* thrown out

* *Bradden's Trial p.* 43.

out of the Chamber window before Murder cried out, and that this *Razor* was *bloody*, and that immediately there came a ſhort *Maid* or *Woman* out of the houſe with a white hood upon her head, who went towards the place where the Razor fell; which as they are all the material things requiſite to the confirmation of the Fact, ſo being wholly ſtrangers to one another they could not before hand concert them, nor agree the things they ſhould report. Had one ſaid it was a *Knife* that was thrown out of the window, which the other had affirmed it was a *Razor*; or had one denied it to be *bloody*, while the other had reported that it was *ſo*; or had the one mentioned a *Man* as having come out of the houſe towards it, while the other ſpake of a *Woman*; there would have been then ſome reaſon for the *Ridiculing* it as a Fiction, ſeeing the contradicting one another in the eſſential circumſtances of the Report, would have detected the falſhood of the Reporters. And it muſt argue great perverſneſs as well as ſtrange prepoſſeſſion of Mind, to pretend to disbelieve the Story becauſe the Children ſeem to vary one from another in a little and minute thing, when in the mean time there is the greateſt harmony imaginable between them in all that is of moment for the eſtabliſhment and aſſurance of the reality of the Fact. And therefore whereas towards invalidating the *Girls* Teſtimony it was objected by my *L. Chief Juſtice Jefferey*'s that *ſhe* ſhould ſay the *Razor* was thrown out of the *Cloſet* window, when the *Boy* had ſaid † that it was thrown out at the *Chamber* window; this pretended inconſiſtency between the two may be eaſily removed to the ſatisfaction of all rational Men, and the eternal reproach and Infamy of *Sir George Jefferey*'s. For indeed *ſhe* ſaid no ſuch thing, nor did ſhe know the *Cloſet* window from the *Chamber* window, nor ſo much as which was my *Lord*'s *Chamber*, but as ſhe heard declared by the Standers by. All that the *Girl* did affirm was, that * She ſaw a hand throw a *bloody Razor* out of a window, which as the People diſcourſed, belonged to the houſe where the E. of *Eſſex* lodged. Nor did the objection ariſe from what the Child herſelf depoſed in Court, but it was ſtarted from the Depoſition of one *Glasbrook*, who informed of the *Girls* having told her *Aunt* that the E. of *Eſſex* had cut his Throat, and that *She* was ſure of it becauſe *She* ſaw him throw the *Razor* out of the window, and that it was all *bloody*. Now becauſe the *Cloſet* was the place where my *Lord* was found dead, they would inferr that *She* meant the *Cloſet* window, and thereupon conclude the Story to be falſe, both becauſe of the impoſſibility that himſelf ſhould throw the *Razor* out, and the contrariety which they would have ſuppoſed to be in this expreſſion

† *Braddon's Trial p.* 66. * *Bradd. Trial p.* 47, 48.

to what the *Boy* had reported. Whereas the phraſe does only ſhew the ſimplicity of the Child, but does in no wiſe argue the falſity of the Report. And the account which *She* gave of the place where *She ſtood*; namely, * in that part of the *Tower* called the *Mount*, plainly ſhews that ſhe could not mean the *Cloſet* window, but the window of the *Chamber*. And had the *Court* of the *King*'s *Bench* had but the juſtice and integrity which became Men in their places, one Queſtion of the *Judges* and the *Child*'s Anſwer to it, would have clearly decided whether She meant the *Cloſet* window, or that of the *Chamber*. For had they but ask'd her whether the window out of which the *Razor* was thrown, ſtood towards the *Foreſtreet* or the *Back yard*; the objection would have immediately vaniſhed; ſeeing, conſidering the place where the Child was then ſtanding, ſhe muſt have anſwered that it look'd towards the *Fore-ſtreet*; nor was it poſſible for her to ſee any thing thrown out of the *Cloſet* window, unleſs ſhe had ſtood in the Back yard, which ſhe neither did, nor was ſo much as ever there. But by the asking ſuch a queſtion Sir *George Jefferey*'s would have loſt the advantage not only of *ridiculing* the whole matter about the *Razor*, and of devolving the Murder of the Earl of *Eſſex*, upon himſelf, but of skreening the Malefactors from Juſtice, and poſſibly of ruining Mr. *Braddon*, which were things of too great concernment to St. *James*'s, to let an occaſion and pretence of compaſſing them eſcape him, eſpecially at the coſt of a little meekneſs, patience, and juſtice in his *Lordſhip* in receiving a Depoſition and examining a Witneſs. Now this Objection advanced by my *Lord Chief Juſtice* againſt the Truth of the Girl's Teſtimony, being fully and to the ſatisfaction of all impartial Men removed and taken off, all that abſurd and nonſenſical ſtuff, which through his having wreſted the Child's words, he ſuperſtructs upon his own Dreams and Fictions, does of its own accord, and without its being needful for me to interpoſe any thing by way of remark upon it, fall to the ground Nor will any Man of common ſenſe henceforth imagine that the *Coach* which the Child ſays ſhe ſaw at the *Door*, muſt therefore have been in the *Back yard*, and conſequently been droven through the narrow *Entry* and *Door* of the Houſe; ſeeing it is evident from what hath been here diſcourſed, that ſhe meant the *Fore-door* and not the *Back*, and to that there was no difficulty of Acceſs. † And with the ſame eaſe may all that Captain *Hawley* and my *Lord Chief Juſtice* declare about the height of the *pales*, and the impoſſibility of throwing any thing out of the *Cloſet* window over them, and eſpecially of *ſeeing* it when thrown over and lying upon

* *Braddon's Trial. p.* 47. † *Bradd. Trial p.* 58, 69.

upon the ground, be diſſipated and blown away; becauſe it was not the pales encompaſſing the back-yard, which the Girls Teſtimony referred unto, but thoſe to which her Depoſition related, are the pales which face and fence the forepart and front of the Houſe. O the *Chicanery* and fraudulency of a mercinary Lawyer, inſtead of the uprightneſs, and integrity of a juſt and impartial Judge! Nor could my L. C. Juſtice have taken a more expeditious and effectual Courſe to proclaim his own Villany, than he hath done, by endeavouring to ridicule and expoſe this poor Childs Teſtimony in the foregoing particular. And whereas * Mr. Juſtice *Holloway* was pleaſed to except againſt the Depoſition of the Girl in another particular, namely, that whilſt ſhe ſwore the Razor fell within the pales, the Boy had ſaid that it fell without them; I do return this by way of Anſwer to it. Firſt, that the Reports of the two Children are much more eaſie to be reconciled, than the Obſervation of Mr. Juſtice *Holloway* upon this point, is to be reconciled with that of my Lord Chief Juſtice *Jeffrey*'s concerning the ſame. For whereas Juſtice *Holloway* would have the contradiction between the Informations of the Children to lye in this, † *That the Girl ſaid the Razor fell within the pales, and the Boy ſaid it fell without*; my Lord Chief Juſtice will have it to lye in the *Girls ſaying the Razor was thrown on the outſide, while the Boy had ſaid it was thrown on the inſide.* I am ſure one of theſe two Judges muſt be miſtaken, ſeeing it is impoſſible that two accounts of the ſame thing ſo clearly contradictory the one to the other can be true. And indeed the miſtake lies with my Lord Chief Juſtice *Jeffreys*, (whom Paſſion had tranſported to that degree, that he neither duly minded what himſelf or others ſaid) in affirming that the Girl ſhould ſay, the Razor was thrown on the outſide the pales, when ſhe had expreſly ſworn that it was thrown on the inſide of them. But then ſecondly, as to the inconſiſtency between what the Boy informed, and that which the Girl depoſed, I ſay that young *Edwards* had both in Words, and by imitating the poſture and motion of the hand out of which the Razor fell, frequently declared that it was caſt on the inſide of the pales. His Father, Mother, and ſeveral others are ready to depoſe that when he firſt told the Story of the Razor, he expreſſed it by ſaying that it dropt out of a hand from the Earl of *Eſſex*'s window; which did plainly ſignifie that he meant it fell on the inſide of the pales. And whenſoever he uſed to imitate the motion of the hand from which the Razor fell, he did put it into ſuch a downright poſture, as that all who obſerved his imitating what he ſaw done, concluded that the Razor fell on the inſide the pales. Nor was he ever heard

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* *Bradden's Trial, p.* 45. † *Bradd. Trial, p.* 45. *compared with p.* 69.

to say that it fell on the outside of the pales, save only that time that Mr. *Braddon* took his Information in writing, when his Sister by endeavouring to threaten him into a denial of the whole matter he saw, had put him into such a fright, that either he could not remember, or did not mind every little circumstance of what he as well saw, as had often reported before. And it is remarkable that neither himself at Mr. *Braddon*'s Trial, where he repeated and acknowledged what he had formerly reported, nor any other Witnesses who appeared at the said Trial to testifie what they had heard him say, did in the least mention his having at any time said, that the Razor fell on the outside of the pales; but on the contrary his Mother does so Word her Deposition, as serves to prove that she believed he always meant the inside of the pales, for she swears, * *That he said he saw a hand out of a Window, and a Razor fall down.* And as the whole matter of a Razor's being thrown, or let fall out of the Earl of *Essex*'s Window, immediately before the noise of his Death, will be attested by several other Persons when there is occasion; so the Sentinel *Meak* whom we have formerly mentioned, not only reported it to divers Persons, both that morning my Lord was killed and afterwards, but he added two or three remarkable circumstances some whereof the Boy had not taken notice of, nor the Girl observed others. That which *Meak* then declared to three Persons the very day my Lord was killed, and which they are ready to swear when called thereunto, is, *That just before the Earls death was publickly known, there was a bloody Razor thrown out of his Chamber-window, which was seen by some of the Souldiers as well as by others, and whilst a little Boy who had seen the Razor thrown out, run towards it to take it up, a short Maid or Woman that came out of the House where the Earl of* Essex *lodged, was too quick for the Boy and snatched up the Razor, and having run in with it to a House, Murder was soon after cryed out*! Thus we have not only a confirmation from a third Person, that there was a Razor thrown out of the Earl of *Essex*'s Window, before any tidings of his Death, and that a Boy went to take it up, but was prevented by a short Woman from Captain *Hawley*'s House, who took it up and run in with it, the last passage of which the Girl had not observed; but we have also a ratification of a passage the Girl swore, which the Boy gave no account of, namely, that there were divers other Persons standing by, who saw this bloody Razor thrown out of my Lord of *Essex*'s Chamber-Window. Nor is it strange that every little thing should not be equally minded by all; but it is enough to set this business beyond the control of all rational Men, that it hath been declared by two, besides the Boy, whereof as none of them can be sup-

* *Trial, p.* 40.

ſuppoſed under any prevalent Temptation to feign ſuch a ſtory, ſo it wa impoſſible that three perſons altogether ſtrangers to one another, ſhould at one & the ſame time,& in three. different places,conſpire & agree to report the ſame thing But to all theſe proofs drawn from the Teſtimonies of ſeveral Perſons,concerning a Razor's being thrown out of the Earl of *Eſſex*'s Window, before the news of his death; there is another evidence as convincing as any of them, which may be deriv'd from the Razor it ſelf. And that is, the ſeveral gaps or notches which were found in it, when the Jury ſaw it, and had the account of its being found by my Lord's Body, and of its being the Inſtrument wherewith, as they ſaid, he had cut his Throat. For beſides one large gap or notch in the point, into which a Man might almoſt lay the end of his little finger, it was for about two inches towards the handle, ſo gapp'd and notch'd, that the edge was wholly broken off; and yet all the part of the Razor, which extended from the notch at the point, till within two inches of the handle,was ſo far from being gapp'd,that it remained very keen and ſharp. And this of the notches in the Razor was ſo remarkable,that ſome of the Jury not only obſerved it, but asked one of the Chyrurgeons who was by,whether my Lord cutting his Throat, could have made theſe notches in the Razor; to which the Chyrurgeon anſwered he might; but whether it was from his being Fool or Knave,or both,I leave others to judge; For I am ſure the reaſon he aſſign'd from the *Tremefaction* that was in the hand by that time the Razor reached the Neck-bone, is ridiculous in it ſelf,and can ſatisfie no rational Man: And had this ignorant or ſuborned Fellow, conſidered the poſition and ſite of the notches, he would have both underſtood the falſhood of his Reply, and how abſurd the reaſon was which he endeavoured to juſtifie & ſupport it by: For admitting at the preſent that the gap at the point might have been ſo occaſion'd,which yet was impoſſible for reaſons aſſigned before; yet how was it poſſible that that part of the Razor which was towards the handle,and which muſt be graſp'd or held in the hand,otherwiſe the Razor could not be uſed, nor the Wound given,ſnould be the moſt notch'd and gapp'd,ſeeing all muſt gratt that it was ſo far from approaching the Neck-bone, that it could not paſs beyond the skin and outward part of the gullet? ſurely the ſame part of the Razor could not at one & the ſame time,be held faſt within the hand,& the grating alſo upon and againſt the Neck-bone: This is ſo obvious to every Child, that I know not how to aſcribe the Chyrurgeons anſwer to his ignorance, but muſt either impute it to the Conſternation which ſo tragical an accident had put him into,that he remained not Maſter of common ſenſe; or it muſt be reſolved into a worſe cauſe,namely,a fear of tracing the Murder

of

of that honourable Person, to be true and real Actors of it. Nor can the Conspirators against the life of that noble Peer, avoid the strength and evidence of this Argument, but that the Razor must have fallen both from some considerable heighth, and upon some resisting sharp and hard substance, or that otherwise it could never have been gapp'd and notch'd as it was. And I dare upon this Theam challenge *Roger L'Estrange* to do his utmost, though I know he [illegible] as good a faculty ar ridiculing and baffling Reasons which he cannot answer, as my Lord Chief Justice *Jeffreys* has at exposing and hectoring Witnesses, the Truth of whose Testimony he cannot otherwise avoid.

Thus I have finished what at least I judge fit and proper at this time and juncture to be said, concerning the barbarous murder and unparallell'd massacre, as well as the violent and untimely end of that honourable & innocent person, *Arthur* late Earl of *Essex*; and do greatly rejoice that I have been able to do this piece of service to God and my Country, as well as to the Memory and Vertue of that Excellent Man: For though thy Friends, Great *Essex!* were not so happy as to prevent thy being murdred by the hands of execrable Ruffians; yet it is some relief to them, under all their sorrows, for thy unfortunate and tragical end, to be in a condition to vindicate thy Name from the infamy cast upon thee, of having destroy'd thy self. And tho' we have all the light into, and assurance imaginable, of divers other things, yet we do not here publish them, because that were both to expose divers persons to the like fate and destiny, & to deprive our selves of the benefit of their Testimony at a Bar against the Maletactors. We hope, nevertheless, that under all the disadvantages under wh ch we lie, there is that account given of matters, circumstances, & persons, that none can reasonably doubt of the Truth of my Lord of *Essex*'s being perfidiously assassinated. And to set this Affair yet farther beyond all question and control, I do challenge those who do think themselves injured or aggrieved, that for their own vindication, and the discovery of that murder, they would put this matter concerning the manner of the Earl of *Essex*'s death, in a fair, safe, and legal way of Trial, without danger to them who shall appear as Witnesses, or damage to such as shall have the vertue and courage to undertake to prosecute. But if instead of this, they fall upon ruining Men by Actions of *Scandalum magnatum*, or of assassinating such whom they shall suspect to have detected this bloody and enormous Crime, I hope it will be look'd upon not as a vindication of their Innocency, but as an argument of their Guilt. Nor can any Man be brought into trouble for having or reading this Book, but it will be a fresh proof, that there is both a villanous Mystery in the manner of the Earl of *Essex*'s death, which they would not have known, and that there are persons guilty

guilty of, and acceſſary to it, whom it concerns them to preſerve from the infamy and puniſhment thereof. Great *Eſſex*! how ungratefully wert thou recompenſed for the Loyalty of thy Family, as well as thy own Sufferings and Services in behalf of the Crown? Was this the Reward of thy Father's laying down his Life on a Scaffold, and of all that thou thy ſelf underwent and did for the King and the Government? Is it the fate of the *Capels*, either to die for the Royal Family, or to fall be the Treachery and Cruelty of ſome of the Regal Off-ſpring? Vertuous Soul! when thou hadſt not Crimes for which they could deſtroy thee, thy Worth and Integrity became thy capital Offences; when their infamous and perjured Witneſſes could not adminiſter ground to thoſe at St. *James*'s to reach thy Life, thy Love to *England*, and Zeal for the Proteſtant Religion were ſufficient Reaſons with the Duke and ſome others, to conſpire and compaſs thy death; and thy declining to join with the Papiſts to ſubvert the Laws of the Kingdom, and extirpate the Northern Hereſie, was motive enough firſt to hate, and then to deſtroy thee: And what they deſpaired to effect by perjur'd Witneſſes, and a pack'd Jury of *Peers*, they reſolved to accompliſh by ſuborned and hired Aſſaſſinates. When they wanted the ſhadow of Law to Arraign thee before thy Peers in a publick way, they found Men wearing Stars and Coronets, who undertook to ſit privately upon thee, and ſentence thee to die. Having lived the Patron as well as Darling of thy Country, thou fell at laſt, through the Malice of the Nation's Enemies, a Victim and a Sacrifice for its Rights and Liberties. Nor was there any way for thee to have eſcaped their rage, but either to have been leſs dutiful to God and thy Country, or leſs tender to them, and more thier open and avowed Enemy. Hadſt thou when time was, unravell'd the Popiſh Conſpiracy, as thou both might and ſhould have done, thou couldſt have prevented the Miſery that is fallen upon the Nation, and the deplorable end thou haſt been brought unto thy ſelf: But thy Zeal for the greatneſs of the Monarchy, and thy Love as well as compaſſion to the Duke of *York*, have through the injuſtice and unthankfulneſs of that Man whom thou waſt ſo induſtrious to ſave, proved an unhappy occaſion of our ſlavery, and thy own ruine. And tho' none does more reverence thy memory than I do, yet I cannot but obſerve how conſpicuous the Righteouſneſs of God is, in the Injuſtice of that ungrateful Man, whilſt his Aſſociates are reſerved by Heaven to fall with him; they who knew his Deſigns, but on of pity to his Perſon, as well as love to his Majeſty, thought fit to conceal them, are by an unſearchable, but holy Providence, left and ſuffered to fall by him. Nor according to the meaſures of Wiſdom, or inconſiſtency with the principles of true Reaſon, can any Man be a Friend to Religion and National Rights, without being

an avowed Adverſary to the Duke himſelf, as well as to his Contrivances. But what do ye think, O ye Peers and Gentlemen of *England*! Are not all your Lives threatned in the deſtruction of this one Nobleman? The Law that could not protect him, will be as unable to defend you. If the Tower of *London*, which is his Majeſties Royal Palace, as well as the State-Priſon, could not ſecure the Earl of *Eſſex* from the irruption and violence of Aſſaſſinates; can you either hope for, or promiſe your ſelves ſafety in your Country-Dwellings? For if they want pretences of deſtroying you by perſons in Ermine and Scarlet, they have no more to do but commiſſionate & arm Ruffians and *Banditti* againſt you. And when it may not be found convenient to aſſault your Lives, by Strangers and hired Raſcals whom you do not know, they underſtand the art of debauching your *Valets de Chamber*, and the Servants into whoſe hands you commit the care of your Perſons, to ſtab or poiſon you. Into what a deplorable condition are Engliſh Gentlemen reduced, being expoſed if they ſtay in the Nation, to be either ſworn out of their Lives by falſe Witneſſes, or murdered by bloody Aſſaſſinates; or if they withdraw and retreat into foreign Countries, made liable to be purſued to Outlawries. And which was never known in any Kingdom of the World, till Sir *George Jeffereys* had given us a Preſident. An Outlawry does as certainly deſtroy a Man, if the outlaw'd party once fall into their hands, as if he had drunk poiſon, or were ſtabb'd through the heart with a *Stilleto*. Of this the unfortunate Sir *Thomas Armſtrong* is an example of the firſt impreſſion, who albeit apprehended within the twelfth Month, which is the time the Statute allows for a perſon to come in and have the benefit of a Trial, notwithſtanding an Outlawry, was yet executed by a Rule of the Court of King's Bench, without being allow'd a Trial, tho' he moſt earneſtly demanded it, as the Right of the Subject, and what the Law of the Land give him a juſt claim unto. And which is worthy to be remarked, as ſhewing the different treatment which Proteſtants meet with, beyond what was meaſured out to the worſt and moſt criminal Papiſts. The ſame *Attorney-General* who oppoſed Sir *Thomas Armſtrong*'s having the liberty and benefit of a Trial, and who required a Rule of Court for his Execution upon the bare Outlawry, did but a few years before in the caſe of *Levallian* and *Don O Carney*, two of the Ruffians who in the Popiſh Conſpiracy were to have killed the King at *Windſor*, not only plead for the Reverſe of their Outlawry (tho' they had been above two years outlaw'd, and came not in till they knew there was but one witneſs could ſwear againſt them, Mr. *Bedloe* the other Witneſs being dead) but he withal told my L. Chief Juſtice *Pemberton*, that there being an Errour in the Fact, through their abſence beyond Sea, when the Outlawry was iſſued out againſt them, the Reverſe of it was

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a thing of course, which they had a Right to demand, and which the Court was bound by the duty of their Office and Place to grant. Seeing therefore that that those of you, *O English Peers and Gentlemen*! who remain either Faithful to God in the matter of Religion, or true to your Country in the business of Civil Rights, can neither hope to escape the malice and rage of your Enemies by staying at home nor by going abroad, is it not time to be at last so far awak'ned out of your Lethargy, as to demand Justice upon those bold and enormous Malefactors, that were the Contrivers and Perpetrators of this horrid Murder, upon this Noble and Innocent Lord? Can you believe that you have discharged your duty either to your Maker, your Prince, your Country, your selves, your Posterity, or to your murdered Friend, till you have filled the Ears of his Majesty, with a cry of innocent blood barbarously shed; and till you have demanded a *melius inquirendum* into the manner of that Nobleman's Death, and have brought the Authors and Instruments of his Assassination, to undergo the Justice and Severity of the Law? Let me tell you, *O Peers and Gentlemen*! that this is both what Heaven and Earth do expect from you. And if you continue to neglect it, you will in the account of God be reckoned amongst Accessories to that guilt, and in the esteem of Men be held for a dastardly and degenerate People; But if all Men shall either prove so timid, or so supine, as to be regardless of the Command and Authority of God, their own personal safety, the wrath that impends over the Nation upon the cry of innocent Blood: Awake then and stir up thy self thou All-seeing and Righteous Lord, *who beholdest mischief and spite, to requite it with thy hand*, and make thy Wisdom known in the detection, and thy Justice in the punishment of this horrid Crime. For thou hast not only devolved the Inquisition after Murder, upon those who are trusted with Rule among Men, but hast charged thy self with it, and hast said, *The blood of your Lives will I require at the hand of Man, and at the hand of every Mans Brother, will I require the Life of Man, and whoso sheddeth Man's blood, by Man shall his blood be shed.* And we do the rather make this appeal unto thee, O Lord! not only because they who are advanced unto the Seats of judgment, are either unaccessable, or Patrons of what they should search out and punish; but because they who take upon them to Minister in thy Holy things, have prophaned thy Name, made contemptible thy Ordinances, and deceived thy People whom they should have informed, both by vindicating the Authors of this bloody Murder from the Guilt and Suspicion of it, and by defaming and wounding the Memory of an innocent and guiltless Person. While the Conspirators against our Religion and Laws, *Have been like Wolves ravening to shed blood, and to get dishonest gain, these mercenary Men have daub'd them*

with

with untempered Mortar, making the King glad with their wickedness, and the Princes with their lies. 'Tis to them that the Enemies of Protestancy and *English* Rights, owe the success of all their attempts; and it is they whom the Nation ought to accuse, of being the Instruments that have betray'd us to Popery and Slavery. For to omit their other Villainies by which they have sought as well to ruine the Nation, as oblige the Popish Faction, they have endeavoured to ingratiate themselves with that Traitorous party, by becoming Advocates for Assassinates, and Concealers of Massacres. It was Dr. *Lloyd* not discovering what he knew of the Murder of St. *Edmundbury Godfrey* that advanced him to the Bishoprick of St. *Asaph*, and it is upon the Merit of joyning in the Conspiracy to destroy the Earl of *Essex*, that Sr. *Leoline Jenkins* is presumptive Successor to the See of *Winchester*. The aspersing this innocent and Noble Person, whose spittle some years ago they were ambitious to lick up) with the infamy of being *Felo de se*, and the managing that wicked Fiction, to the involving others in the guilt of a Plot, hath been a years employment for some of the Clergy to exercise their Talent upon, hoping thereby to pave their way to rich Benefices. Nor is there any thing so base, which some of the Clergy will not prostitute themselves unto, and Glory in, if it may but serve the Designs of St. *James's*, and prevent the detection of the crimes whereof the D. of *York* is guilty. A fresh example we have of this, in an Ecclesiastick's turning Informer, and causing a Souldier to be made run the Gantlet and to be Cashiered. For a certain Church of *England* Divine being viewing the Tower, did with a kind of pleasure on the remembrance that the Earl of *Essex* had there fatally ended his dayes, ask'd a common Sentinel where the Chamber was in which my L. of *Essex* had cut his Throat. To which the Souldier (who was neither a stranger to the Reports that went concerning the Death of that Noble Person, nor to divers circumstances importing by what means and hands he had fallen) replyed, pointing at the same time to the Room, That is the Chamber where the E. of *Essex* was killed. And because the honest Fellow would not own to the Reverend Parson, that my L. of *Essex* had murdered himself, but persevered in saying he was killed in such a place, therefore did the Divine inform against him, and brought him to suffer what I have related. Which as it represents unto us the principles of the present Clergy, so it confirms the Assassination committed upon that Noble Peer. O therefore *thou Holy One to whom Justice belongeth, shew thy self, yea lift up thy self thou Judge of the Earth, cause their mischief to return upon their own head, and for the violence of their hands and the sin of their mouth, let them be taken in their Pride, that all Men may know God hath not forsaken the Earth, but that he ruleth in Jacob, even unto the Ends of it.*

FINIS.